IN TWO SECTIONS—SECTION ONE

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# HARRISON'S REPORTS

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#### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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No. 1

### What the New Year Holds for the Independent Exhibitor

As we enter upon the threshold of the new year, there looms up before us an awe inspiring realization that we are facing the beginning not of just another new year, but of a new era in American history.

By an unprecedented majority, the citizens of this nation have put their approval on the policies of Franklin D. Roosevelt, and have manifested their faith and confidence in him as a leader of vision, understanding, courage, with a burning desire to cure the social and economic ills of inequality. Franklin D. Roosevelt, whose actions follow close upon the heels of his promises, has been returned to the White House for another four years.

Well do we remember his inaugural address in 1933, when he promised to take steps against the deplorable banking situation; on the following morning the banking "holiday" was in effect and all banks were closed. Well do we remember his promise also to do something about that high-sounding atrocity, the "noble experiment" of prohibition; in a few months the 18th Amendment had been repealed and prohibition had become a pitiable relic of a former age.

For four years this inspired and inspiring leader has labored zealously to carry out his promises of social and economic reform. Too long for enumeration here is the list of his great achievements; suffice it to say for the present that the record of accomplishments during Franklin D. Roosevelt's first term as President of the United States holds forth for the coming four years new hope, great promise and solid security for the people of the country.

Abraham Lincoln, in his immortal Gettysburg address, recalled that this great nation of ours had been "conceived in liberty and dedicated to the proposition that all men are created equal." The Civil War had heen fought, he said, "that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth."

It is significant, indeed, that in Philadelphia, on June 27, President Roosevelt, in accepting the nomination of the Democratic Party for a second term, spoke thus, evidently inspired by Lincoln's philosophy:

"Philadelphia is a good city in which to write American history. This is fitting ground on which to reaffirm the faith of our fathers; to pledge ourselves to restore to the people a wider freedom—to give to 1933, as the founders gave to 1776—an American way of life.

"The very word freedom, in itself and of necessity, suggests freedom from some restraining power. In 1776, we fought freedom from the tyranny of a political autocracy.

"That victory gave the business of governing into the hands of the average man. . . . Political tyranny was wiped out at Philadelphia on July 4, 1776.

"Since that struggle, however, man's inventive genius released new forces in our land which reordered the lives of our people. . . .

"New kingdoms were built upon concentration of control over material things....

"There was no place among this royalty for our many thousands of small business men and merchants who sought to make a worthy use of the American system of initiative and profit....

"And as a result, the average man once more confronts the problem that faced the Minute Man....

"Throughout the nation opportunity was limited by monopoly. Individual initiative was crushed in the cogs of a great machine. . . .

"For too many of us, the political equality we once had wen was meaningless in the face of economic inequality. A small group had concentrated into its own hands an almost complete control over other people's money, other people's labor—other people's lives.

"For too many of us life was no longer free; liberty no longer real; men could no longer follow the pursuit of happiness.

"Against economic tyranny such as this, the citizen could only appeal to the organized power of Government. The collapse of 1929 showed up the despotism for what it was. The election of 1932 was the people's mandate to end it. Under that mandate, it is being ended....

"Today we stand committed to the proposition that freedom is no half and half affair. If the average citizen is guaranteed equal opportunity in the polling place, he must have equal opportunity in the market place."

Here we have the dedication by a great President of a new kind of liberty, a liberty which means freedom from economic oppression. Here we have a pledge that the average exhibitor, like the average citizen, shall have the same inviolable right of equality to trade in the market place as he has to cast his vote in the polling place.

In Chicago, on October 14, the President said:

"The train of American business is moving ahead.

"But you people know what I mean when I say it was clear that if the train is to run smoothly again, the cars will have to be loaded more evenly....

"Our job was to preserve the American ideal of economic as well as political democracy against the abuse of concentration of economic power....

"This concentration of wealth and power has been built upon other people's money, other people's business, other people's labor. Under this concentration, independent business was allowed to exist only by sufferance. It has been a menace to the social system as well as the economic system which we call American democracy. . . .

"The struggle against private monopoly is a struggle for, and not against, American business. It is a struggle to preserve individual enterprise and economic freedom. . . .

"The people of America have no quarrel with business. They insist only that the power of concentrated wealth shall not be abused."

In Boston, on October 21, he told us:

"We have begun the first real offensive in our history against that concentrated wealth and monopolistic power which almost destroyed the small businesses and diversified industries of New England. Most of us are in favor of that

"The New England puritan spirit of simplicity, the New England passion for democracy, the New England genius for democratic statecraft, are the very sources of that program of this Administration which set itself to end such concentration of wealth and economic power."

And in his final speech before Election Day, at Madison Square Garden, in New York City, President Roosevelt summed up his pledges for the coming Administration as follows:

"Of course we will continue every effort to end monopoly in business, to support collective bargaining, to stop untair competitions, to abolish unfair trade practices. For all these we have only just begun to fight."

Why so significant, why so prophetic, these words of our great leader and statesman? Because great wealth concentrated in the hands of a few people makes them blind to all things but to their lust for more extensive and more massive accumulations. The inalienable rights of every citizen to

#### "College Holiday" with Jack Benny, Gracie Allen, George Burns and Mary Boland

(Paramount, Dec. 25; time, 86 min.)

As in "Big Broadcast of 1937," this is made up of a series of skits in which familiar players participate; and it will in all probability duplicate the success of the other. The skits are, however, tied together by a thin plot; as a matter of fact the picture follows the formula set by Paramount for its musical comedies. Some of the skits are coinical, and others dull; most of the time the action lags. The comedy skit that shows Gracie Allen doing an aesthetic dance with George Burns and Ben Blue tops them all; and since this occurs in the closing scenes, spectators will leave the theatre in an agreeable mood. The romantic interest is of little consequence:-

Jack Benny, manager of the bankrupt hotel conducted by Marsha Hunt's father, conceives the idea of bringing college boys and girls to the hotel to liven things up and draw customers. He gets the financial backing of Mary Boland, holder of the mortgage, by leading her to believe that his purpose in bringing the young people to the hotel was to mate them according to her theory of eugenics. Difficulties arise when Miss Boland wants to see the re-hearsals of what she believed was to be a Greek pageant, but in reality only a typical musical comedy. With the help of the students, Benny puts his plans over and makes enough money from the entertainment to pay off the mortgage. Miss Boland had, in the meantime, lost interest in her theories owing to her interest in some new fad.

J. P. McEvoy, Harland Ware, Henry Meyers, and Jay Gorney wrote the original screen play. Frank Tuttle directed it and Harlan Thompson produced it. Others in the cast are Martha Raye, Eleanor Whitney, Leif Erikson, Johnny Downs, and Olympe Bradna.

Suitable for all. Class A.

## "Stowaway" with Shirley Temple, Alice Faye and Robert Young

(20th Century-Fox, Dec. 25; time, 851/2 min.)

Excellent! This is the best story Shirley has had in a long time and it should increase her popularity. She is given a real acting assignment, and does justice to the part; instead of going through dance routines and singing sentimental songs, she shows her talents as a comedian. The courtroom scene, in which Shirley, coached by the well-meaning judge, gives her testimony in legal terms, using difficult words, is a "gem," and should provoke hearty laughter. On several occasions she speaks in Chinese and does it convincingly. The supporting players are agreeable and awaken one's sympathy. The romance between Alice Faye and Robert Young is charming and ends in a way certain to please spectators:

Shirley finds herself alone in Shanghai; she had been deserted by her Chinese guardian who had been instructed to take her from the village of Sanchow, where a bandit raid was expected, to the safe-keeping of the missionary in Shanghai. Her missionary parents were dead. She becomes acquainted with Young, a millionaire playboy, and intrigues him by her knowledge of Chinese and her ability to deal with the trades people. He leaves her in his car in front of a hotel, and when he comes out and cannot find her he thinks she had gone away. But she had just run after her dog, and when she returns it starts to rain. She hides in the rumble seat, falls asleep, and awakes to find herself a stowaway aboard an ocean liner. She is brought to Young, and he is happy to see her again; he promises to be responsible for her. She meets Miss Faye, and introduces her to Young, who falls in love with her. Miss Faye is engaged to Allan Lane, who was meeting her at the next stop. The Captain tells Young that, since he is an irresponsible bachelor, Shirley will be taken from him and put in an institution. Miss Faye pleads with Lane to permit her to adopt Shirley, and when he refuses she breaks her engagement. Young suggests that she marry him in name only and later obtain a divorce, his purpose being to enable him to keep Shirley; she agrees to this. Later at the trial for the divorce the judge realizes that Young and Miss Faye love each other. With Shirley's help, he brings them to their senses. There is a joyful reunion and Shirley at last

Sam Engel wrote the story, and William Counselman, Arthur Sheekman and Nat Perrin the screen play; William A. Seiter directed it, and B. G. DeSylva, Earl Carroll and Harold Wilson produced it. In the cast are Eugene Pallette, Helen Westley, Arthur Treacher, and others. Suitable for all. Class A.

#### "Beloved Enemy" with Merle Oberon and Brian Aherne

(United Artists, Dec. 25; time, 87 min.)

This is a powerful love story, set against the melodramatic background of the Irish Rebellion. Instead of focussing the interest on the Rebellion itself, the author made the tragic effect it has on the lives of the two lovers (Merle Oberon and Brian Aherne) the pivotal point. The love scenes have been handled with good taste; not once do they become over-sentimental. Even the closing scenes, where Aherne is shown dying from a bullet wound inflicted by one of his compatriots, with Miss Oberon at his side, are powerful without being maudlin. The events leading up to the Rebellion are exciting and thrilling, because of the skillful way by which they were handled. The situation that shows the meeting between the Irish and English leaders, in which they try to come to some understanding, is extremely dramatic. The tragic ending may disappoint some, but it is logical and in keeping with the story

Aherne, undercover leader of the Irish rebels, is the most sought after man in Ireland; but since the English had never seen a picture of him, they are unable to arrest him; and so they let him slip through their fingers on many occasions. Henry Stephenson, a peer, arrives in Ireland with his daughter (Miss Oberon), to investigate the matter for the British government. Aherne saves them from death, much to the disguest of the more radical leaders of the movement, who wanted to blow up the automobile in which they were riding. The chance acquaintance between him and Miss Oberon ripens into love. Miss Oberon is shocked when she accidentally finds out that Aherne is the notorious leader. She gives him away only to regret her actions when the soldiers are sent after him. She is tearfully grateful when she hears that he had escaped. Her father insists that she go back to England with him. Once there she convinces him that he should recommend negotiations instead of war. Aherne and the other leaders are called to England. The old love flares up again when he meets Miss Oberon. Through her pleas, he agrees to moderation in the settling of the Irish dispute, even though he, by so doing, doomed himself—he knew that the fiery patriots would kill him as a betrayer of their cause. He leaves for Ireland, promising to return to Miss Oberon. When she hears of his danger she rushes to Ireland, and arrives at his side just as he is shot by his own loyal friend who had believed the stories of betrayal told to him by Donald Crisp, a radical leader. Aherne dies.

John Balderston wrote the story, and he, Rose Fanken, and William Brown Meloney the screen play. Henry C. Potter directed it, and Samuel Goldwyn produced it, with George Haight as associate producer. In the cast are David Niven, Karen Morley, Jerome Cowan, Ray Hould, and others.

Suitable for all. Class A.

## "Counterfeit Lady" with Ralph Bellamy and Joan Perry

(Columbia, Dec. 31; time, 58½ min.)

This program melodrama may go over with audiences who do not object to far-fetched plots as long as the action is fast. Up until the closing scenes one is led to believe that Joan Perry (heroine) is a crook; for this reason one is not in sympathy with her. By the time it is shown that she was justified in the theft of a famous diamond, it is too latefor one to readjust one's feelings. The love affair is de-

veloped pleasantly:-Miss Perry, by a clever trick, steals a valuable diamond from Douglas Dumbrille, who engages Ralph Bellamy, a private detective, to get it back for him; he did not want to call in the police, because it was a stolen diamond, turned over to him by the crooks. Bellamy trails Miss Perry and compels her to stay with him. They meet with many exciting experiences, during which Dumbrille's henchmen attempt to steal the diamond from Bellamy. But eventually Bellamy gets the facts from Miss Perry-the diamond had been stolen from her father and he did not have enough money to make good the loss. She had, therefore, stolen the diamond, which rightfully belonged to her father. Bellamy outwits Dumbrille and his men, and turns them over to the police. The diamond is returned to Miss Perry' father. Bellamy proposes marriage to Miss Perry and is accepted.

Harold Shumate wrote the story, and Thomas VanDycke the screen play. D. Ross Lederman directed it and Ralph Cohn produced it. In the cast are Gene Morgan, Henry Mollison, George McKay and others.

Suitable for all. Class A.

#### "Lloyds of London" with Freddie Bartholomew (20th Century-Fox, Jan. 29; 117 min.)

It is an excellent production, but how much it will draw it is hard to tell just now. It is possible that its box office success will be no more than fairly good, for the story is not very glamorous and it is tar from being "The House of Rothschild." It might have had better luck had Freddie Bartholomew appeared all the way through the picture. But because the nero grows up, naturally this not possible. There is good action all the way through, and many of the situations appeal to the emotions of sympathy. The death of Admiral Nelson at the famous battle of Trafalgar is one of such situations. Many of the situations hold one in pretty tense suspense. This is so particularly where the hero is shown rescuing the heroine from France and taking

her safely to England.

The story revolves around the early operations of Lloyds, the famous insurance company: Two friends part in their boyhood: the one is Jonathan Blake, and the other Horatio Nelson. Blake goes to London, is engaged by Lloyds, and in time becomes an important member of the firm; Horatio eventually becomes the famous admiral Nelson. Blake in time becomes very wealthy. England and France are at war. Returning from Paris, Jonathan comes upon Lady Elizabeth, whom he smuggles out of France. Shortly afterward he finds out who she is. By this time he is madly in love with her. The French had been sinking so many British ships that Lloyds decides to discontinue insuring ships, unless the Government withdrew a part of the fighting ships from the battle fleet to protect the merchant ships. Blake is opposed to such an act, for he felt that every ship was needed by Admiral Nelson for the protection of England, and feared that any weakening of the fleet would prove disastrous. To induce Lloyds to continue insuring ships, he spreads the false rumor that Nelson had met the French fleet and had defeated it. Lord Stacy, Lady Elizabeth's husband, having become aware of Blake's deception, is about to expose him as a matter of revenge, but he refrains from doing so because he is told that back of Blake is Lady Elizabeth's money. In the meantime word is received that Nelson has actually met and defeated the French fleet at Trafalgar, but at the price of his life-Nelson had been killed in the battle. Blake hears of the victory as he is dying from a bullet sent into his body by jealous Lord Stacy.

The story is by Curtis Kenyon; the screen play by Ernest Pascal and Walter Ferris. Henry King directed it and Kenneth McGowan produced it. Sir Guy Standing, Madeleine Carroll, Tyrone Power, C. Aubrey Smith, Mon-tague Love, Douglas Scott, J. M. Kerrigan, John Burton, Lumsden Hare and Holmes Herbert are some of the players

in the cast.

Good for the entire family. Class A.

#### "Gold Diggers of 1937" with Dick Powell and Joan Blondell

(1st Nat'l., Dec. 26; time, 100 min.)

Regardless of its quality, this will probably do big business, for it is a lavishly produced musical farce, with popular players in its cast. The story is, however, unpleasant, for it deals mostly with the attempts of Osgood Perkins and Charles D. Brown to kill their partner, Victor Moore, so that they might collect the insurance; even though this is all treated in a farcical vein it is distasteful. The laughs are provoked by Moore, who outwits his partners by becoming stronger instead of weaker. There is nothing new in the way the backstage scenes have been handled. The producers have outdone themselves in lavishness in the closing musical scenes, which, ridiculously enough, are supposed to take place on the stage of a theatre. Dick Powell is a pleasing character; he sings several popular numbers in his customary style. Miss Blondell, as his sweetheart, is given a much more subdued part than ordinarily; and she plays it well.

In the development of the plot, Powell, an insurance agent, is shocked when, with the help of Miss Blondell, he sells a million dollar policy to Moore, a theatrical producer, in which Moore names his two partners as benefi-

ciaries. He had taken out the policy at the insistence of his partners, not knowing that they planned to bring about his death so that they might collect the insurance money and thus make good the money they had taken from the firm and had gambled away. Their plans are to have Glenda Farrell pretend to love Moore, to compel him to

lead a hectic life. Instead, she falls in love with him, as he does with her. This makes him feel younger and healthier. Ashamed of what she had done, she confesses. Her dis-

closure of the state of his company's affairs causes him to collapse. He is taken to the hospital. Powell, who had left his insurance job to become Moore's general manager, calls together the members of the east and urges them to help him put on the show and thus save Moore's life. Each one borrows money from a friend which they turn over to Powell. He puts on the show and it is a hit. Moore regains his health and marries Miss Farrell. And Powell is finally wealthy enough to marry Miss Blondell.

The plot was adapted from the stage play "Sweet Mystery of Life" by Richard Maibaum, Michael Wallach and George Haight. Warren Duff wrote the screen play. Lloyd Bacon directed it and Hal B. Wallis produced it. In the east are Rosalind Marquis, Irene Ware, and others.

Not particularly suitable for children. Adult entertain-

ment. Class B.

#### "Four Days Wonder" with Jeanne Dante, Martha Sleeper and Alan Mowbray

Universal, Jan. 3; time, 60 min.)

Universal, in adapting this from the A. A. Milne melodrama, turned it into a farce with poor results. It is haphazard, ridiculous, and even tiresome, for no one does anything that makes any sense. It is a pity that Jeanne Dante, Universal's new fourteen year old star, should have been put in this as her first introduction to the motion picturegoing public; it is hard to judge her talents. Alan Mowbray, as an egotistical writer of detective stories, provokes most of the laughter by his mannerisms and is responsible for what little entertaining quality the picture possesses. The most amusing scene is that in which Miss Dante shoots red ink at Allan, who thinks that he had been shot, and that the ink was blood. The adolescent love affair may appeal to children.

Harvey Thew and Michael Uris wrote the screen play. Sidney Salkow directed it, and Robert Presnell produced it. In the east are Charles Williams, Murray Kinnell, Spencer Charters, and others.

Morally suitable for all. Class A.

The plot is worked out logically:

#### "After the Thin Man" with William Powell and Myrna Loy

(MGM, Dec. 25; time, 111 min.)

Very good! It is a sequel to "The Thin Man," with Myrna Loy and William Powell continuing where they left off in the other. Of course, the novelty of the treatment and the style have been worn thin by the many imitations that followed "The Thin Man"; nevertheless this can stand on its own merits as a good murder mystery melodrama, as well as a sophisticated type of comedy that this team is noted for. There is a little too much padding in the beginning, but once it gets into the story one's attention is held to the very end. The murderer's identity is not divulged until the end; it will come as a surprise to most spectators.

The moment Powell and Miss Loy return from New York to their home in California they are confronted with family troubles. Elissa Landi, Miss Loy's cousin, pleads with Powell to help her find her husband (Allan Marshall), who had been missing. He finds him in a Chinese cafe, intoxicated, and learns that he had been having an affair with Dorothy McNulty, singer at the cafe. James Stewart, Miss Landi's former sweetheart, gives Marshall \$25,000 in bonds to go away and leave Miss Landi alone. Marshall accepts this and goes to his home to get his clothes. Miss Landi follows him out of the house with a gun. Suddenly she hears a shot and is shocked to find Marshall dead. Other people had followed Marshall-Stewart, who had gone to see that he carried out his promise; Joseph Calleia, owner of the cafe who had been planning with Miss Mc-Nulty to blackmail Marshall; Calleia's partner, and Miss McNulty. Stewart takes Miss Landi's gun, tells her not to speak to any one, and then throws the gun into the river. Miss Landi is held for the murder on suspicion. Three other people are murdered in the course of the investigation. Powell finally solves the case by proving that Stewart had committed all the murders out of revenge; he had been so enraged when Miss Landi threw him down to marry Marshall that he had determined to get even; he had really become insane. The case finished. Powell and Miss Lov leave for New York again with Miss Landi as their guest. Powell is overjoyed when his wife tells him she is going to have a baby.

Dashiell Hammett wrote the story, and Frances Goodrich and Albert Hackett the screen play; W. S. Van Dyke directed it, and Hunt Stromberg produced it. In the cast are Jessie Ralph, Teddy Hart, Sam Levene, and others.

Not for children. Good for adults. Class B.

conduct his business, to safeguard his investments, to make a fair profit from his labors, are to the tyramical monopolists but empty phrases in their mad, heedless pursuit of greater wealth and power. Were it otherwise, there would have been no occasion for President Roosevelt's utterance: "Against economic tyramy such as this, the citizen could only appeal to the organized power of Government."

In the motion picture industry, as in every other industry, if those possessing the greater power, the greater influence, the greater wealth, should recognize their weaker, their smaller brothers; if they should hold commercial and economic communion with them, should seek not to crush them but to trade with them, we would have little need to "appeal to the organized power of Government."

Too long, however, have honest attempts at voluntary economic reforms proved futile; too long have leaders of liberal business movements been cajoled, bought off or crushed by the powerful economic royalists; too long have sham leaders of the down-trodden "forgotten man," either through ignorance or design, diverted him from his true path of self-liberation.

Were the independent business man, the independent exhibitor, able to cope with his oppressors merely through his own faculties and his own resources, he would never appeal to the Government for aid. But in the struggle for existence he can no more hope to survive against the giant monsters of economic power than can a domesticated cat in a struggle with a mountain lion.

And so the independent exhibitor, striving to retain his existence in a monopolistic industry, turns hopefully to Franklin D. Roosevelt, the great prophet of economic liberty and of business equality. Thus it is that his preelection utterances become of momentous import as we approach the dawn of his second administration. In them we find hope—inspiring promises of relief from oppression and freedom from oppressors.

Will these promises be performed?

To those who have not grown hopelessly cynical, the experience of past performance indicates a most emphatically affirmative answer. And a more positive portent is to be found in the fact that Mr. Roosevelt, about to enter his second term, did not wait even for his inauguration to begin activities. His Attorney General has already started upon the serious business of performing some of the Administration's promises: In the Federal District Court of Texas, the Government has filed suit against fifteen defendants, including six major distributors, alleging restraint of trade and commerce, and seeking to enjoin the defendants from carrying out contracts alleged to be in violation of the antitrust laws, contracts that attempt to regulate the admission prices of subsequent run theatres and to prohibit double features.

No noise! No advance publicity! Just action!

It seems as if the era of freedom from economic tyranny is close at hand; the day is not distant when you will have the "equal opportunity" President Roosevelt has promised you along with every small business man, as much in the "market place" as in the "polling place."

Cheer up!

#### ABOUT THE OPERATION OF THEATRES BY DISTRIBUTOR EMPLOYEES

Distributors whose employees are operating theatres should try to find out whether they are receiving enough revenue from their films or not. And so should other distributors, whose films are shown in those theatres. They should make comparisons with the prices they could obtain from the competitive theatres. Several years ago I undertook to force three employees of three different distributors to give up the theatre they were operating in competition with independent exhibitors. I went to the home office of one distributor and requested the proper official to compare the prices paid by that theatre before its employee, in association with the other two distributor employees, took it over and after it was taken over by them, and it was found out that in almost every case the distributor employees were paying less for the pictures, not only of their own companies but also for those of the other companies, whose product they had contracted for.

An additional reason, and a most important one, why the home offices should compel their employees to give up the operation of theatres, if any of them are mixed up in theatre enterprises, is the detrimental effect this has upon their

other employees: when they know that one of their group is operating a theatre and is making a great deal of money from it, they become demoralized; they want to make money on the side themselves, and spend a considerable part of their time looking for a theatre lease, instead of attending to the business of their company.

This week two letters came to this office from distributor executives to whom information as to theatre operating activities of an employee or so of theirs was submitted: from Mr. W. F. Rogers, of Metro, and from Jimmy Grainger's assistant, F. J. A. McCarthy, of Universal.

The following is the letter that was sent to the home office by Joe Kauffman, Universal manager in Pittsburgh:

"In January of 1933, my father's business, a general store, was destroyed by fire, leaving my father and mother, two brothers and a sister without any means of support.

"At about that time, my attention was directed to the fact that the lease for the Brookline Theatre was available. Upon further investigation, I found that it was possible to secure this lease, and did so in behalf of my family. They not having any experience in the show business, I engaged an individual by the name of Dave Brown as Manager, who did the buying and booking and stayed with my two brothers until they had learned enough about the business to operate this little theatre. Of course I helped them with suggestions and advice to the best of my ability.

"The theatre at the present time is operated by my brother, M. S. Kauffman, and I am in no way connected with it, nor do I participate in any of the profits."

Far be it from me to condemn so praiseworthy an act as that of a person taking care of his parents and of his brothers, either by direct support or by setting them up in business; I have a personal reason to admire such men. But it is peculiar that Mr. Kauffman should have selected a theatre business to put his father and brothers into, when they knew nothing about operating a theatre, and when he knows how much experience theatre-operating requires. Wouldn't it have been more logical if Mr. Kauffman had leased a place for a general store for them, a business they knew how to conduct?

Mr. McCarthy informs this office also of the fact that, upon close investigation, he found out that Frank Mantzke, salesman of theirs in the Minneapolis territory, is "in no way connected with the theatre in Lakeville." Six months prior to his association with Universal, he tells me, Frank had helped his brother-in-law about the theatre, arranging his books, etc.

Mr. Rodgers has written me to the effect that Bob Workman, manager of the MGM office in the Minneapolis zone, denies that he has an interest in the theatre at Crafton, N. D., and that Mr. Workman has no knowledge whatsoever that their Mr. Clatworthy is interested in a theatre at Walker, Minnesota. This has been corroborated by Mr. Saunders, of the home office, who has made a personal investigation of the matter on the spot.

MGM is definitely opposed to the operation of theatres by their employees in the distribution department.

#### A WORTHY NEW YEAR PLEDGE

The following is a pledge every independent theatre owner should take, if he is, of course, desirous of insuring his income from his theatre:

"I will send to Mr. James Ritter, treasurer of the Exhibitors Defense Committee of Allied States Association of Motion Picture Exhibitors, Rialto Theatre, Detroit, Mich., a minimum sum of money representing ten cents a seat in my theatre or theatres, to be used by the Defense Committee in insuring legislation in my state as well as in every other state possible, to compel the producer-distributors to give up the operation of theatres, which act is contrary to the welfare of the small business man in that the manufacturer competes with his own customers;

"I will induce the organization to which I belong to invite Messrs. W. A. Steffes and H. M. Richey to make a personal appeal to all the members to contribute to the Defense Fund a minimum of ten cents per seat for every seat they have in their theatres, to be paid either at once or in ten equal monthly installments;

"I shall do all there is in my power to assist in any way I can the members of the Defense Committee in their effort to pass legislation in my state separating exhibition from production-distribution, and other legislation designed to protect the small men from the ravages of big business."

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709 Born to Dance—E. Powell-Stewart-Merkel Nov. 27	711 As You Like It—Elisabeth Bergner
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713 After the Thin Man—W. Powell-Loy Dec. 25 715 Under Cover of Night—Lowe-Rice Jan. 8	735 Lloyds of London—Powers, JrCarroll Jan. 29 734 The Holy Terror—Withers-MartinFeb. 5
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SHORT SUBJECT RELEASE SCHEDULE Columbia—One Reel 790	Twentieth Century-Fox—One Reel 7 Play Girls—Song and comedy (10m.)Nov. 6	NEWSWEEKLY NEW YORK
7802 Skiing is Believing—World of Spt. (10½m.) Oct. 26 7503 Birds in Love—Color Rhapsodies (7½m.) . Oct. 28	7 Robin Hood in an Arrow Escape— Terry-Toon (6½m.)	RELEASE DATES Universal 523 WednesdayDec. 30
	4 Touring Brazil—Along Rd. Rom. (9½m.)Nov. 13 8 Farmer Al Falfa's 20th Anniversary— Terry-Toon (6½m.)Nov. 27	524 SaturdayJan. 2 525 WednesdayJan. 6 526 SaturdayJan. 9
United States—FeaturetteDec. 18	6 Legend of the Lei—Treas. Chest (11m.) (r.).Dec. 4 8 Strikel You're Out—Song hit (10m.)Dec. 11 9 Cats in a Bag—Terry-Toon (7m.)Dec. 11	52/ WednesdayJan. 13 528 SaturdayJan. 16 529 WednesdayJan. 20
7702 The Merry Cafe—K. Kat (reset) Dec. 26 7854 Screen Snapshots No. 4—(9½m.) Dec. 28	7 The Chesapeake Bay Retriever—Treasurc Chest (10m.)	530 Saturday Jan. 23 531 Wednesday Jan. 27 532 Saturday Jan. 30
Relations (11m.)	15 Looking for Trouble—Adv. News (9½m.)Dec. 18 0 Skunked Again—Terry-Toon (7m.)Dec. 25 Twentieth Century-Fox—Two Reels	533 WednesdayFeb. 3 534 SaturdayFeb. 6 535 WednesdayFeb. 10
7352 Love Comes to Mooneyville—Clyde (171/m) Nov. 14	14 Modern Home—Tim and Irene	536 SaturdayFeb. 13 537 WednesdayFeb. 17 Fox Movietone
7403 Ay 1 ank An Go—All star com. (15½m.)	5 Just the Type—Rooney-Timberg (20m.) Dec. 4 3 The Screen Test—Buster West (19m.) Dec. 18 5 Transatlantic Love—Froos-Briarly (20m.) Dcc. 25	31 WednesdayJan. 2 32 SaturdayJan. 2 33 WednesdayJan. 6
Metro-Goldwyn-Mayer—One Reel C-583 Pay As You Exit—Our Gang com. (11m.).Oct. 24	United Artists—One Reel Beginning of New Series	34 SaturdayJan. 9 35 WednesdayJan. 13 36 SaturdayJan. 16
B-573 Annie Laurie—Tabloid musical (10m.)Oet. 31 2	Moving Day—Mickey Mouse (8m.) (resct)June 27 Mickey's Rival—Mickey Mouse (8½m.)Aug. 27 Alpine Climbers—Mickey Mouse (9½m.) (r.) Sept. 1	37 WednesdayJan. 20 38 SaturdayJan. 23 39 WednesdayJan. 27
S-555 Hurling—Pete Smith Specialties (10m.) Nov. 14 B-574 Every Sunday—Tabloid musical (10m.) Nov. 28	Mickey's Circus—Mickey Mouse (8m.) Sept. 5 Donald and Pluto—Mickey Mouse (9m.) Sept. 10 Three Blind Mouseketeers—S. Sym. (8m.) Sept. 24	40 SaturdayJan. 30 41 WednesdayFeb. 3 42 SaturdayJeb. 6
C-584 Spooky Hooky—Our Gang com. (11m.) Dec. 5 Of T-504 Oriental Paradise—Traveltalks (7m.) Dec. 12	Mickey's Elephant—Mickey Mouse (9m.)Oct. 8 Country Cousin—Silly Symphony (9m.)Oct. 29 Mother Pluto—Silly Symphony (8m.)Nov. 12	43 WednesdayFeb. 10 44 SaturdayFeb. 13 45 WednesdayFeb. 17
T-505 Picturesque South Africa—Travel. (9m.)Jan. 9 S-557 Dexterity—Pete Smith Spec. (9m.)Jan. 16  Matter Collabora Marcon Travel Relationship	Universal—One Reel 374 Going Places with Thomas No. 30 (9½m.).Nov. 23	Paramount News 43 SaturdayJan. 2 44 WednesdayJan. 6
P-411 The Public Pays—Crime Doesn't Pay 18mOet. 10 A1	154 Royal Cafe—Mentone (10½m.)	45 SaturdayJan. 9 46 WednesdayJan. 13 47 SaturdayJan. 16
P6-4 Paramount Pictorial No. 4—(10m.)	(8 min.)	48 Wednesday Jan. 20 49 Saturday Jan. 23 50 Wednesday Jan. 27
A6-6 The Star Reporter in Hollywood— A1 Headliner (10m.)	155 Television Highlights—Mentone (10m.)Dec. 21 275 Knights for a Day—Meany cart. (7½m.)Dec. 28 388 Stranger Than Fiction No. 31 (8½m.) Jan. 4	51 SaturdayJan. 30 52 WednesdayFeb. 3 53 SaturdayFeb. 6
220 1 1 opeje tile Danor Meets Sindbad tile Danor	Universal—Two Reels 586 Evil Spirits—Drummond No. 6 (20½m.). Nov. 23	54 WednesdayFeb. 10 55 SaturdayFeb. 13 56 WednesdayFeb. 17
R6-5 Chimp Champs—Sportlight (9m.) Dec. 4 C6-3 Christmas Comes But Once a Year—	089 You Can't Get Away with It—Spec. 27½m.Nov. 30 587 The Trackless Trail—Drum. No. 7 19½m Nov. 30 588 The Sign in the Sky—Drum. No. 8 (20m.).Dec. 7 589 Secret Service—Drum. No. 9 (18½m.)Dec. 14	Metrotone News 229 WednesdayDec. 30 230 SaturdayJan. 2
V6-7 Broadway Highlights No. 8 (Madison Square Garden)—Paragraphics (10m.)Dec. 11	590 The Mountain of Jade—Drummond No. 10 (19½ min.)	231 WednesdayJan. 6 232 SaturdayJan. 9 233 WednesdayJan. 13
	592 The Squadron of Death—Drummond No. 12 (20½ min.)	234 SaturdayJan. 16 235 WednesdayJan. 20 236 SaturdayJan. 23
R6-6 Sporting Pals—Sportlight (9m.)	Vitaphone—One Reel  3 Northern Lights—Colortour (9m.) Nov. 14  3 Vaudeville is Back—Big Time Vaud. (11m.).Nov. 14	237 WednesdayJan. 27 238 SaturdayJan. 30 239 WednesdayFeb. 3
P6-6 Paramount Pictorial No. 6—(8½m.)Jan. 8 A6-8 Song Hits on Parade—HeadlinerJan. 15 T6-6 House Cleaning Blues—Betty Boop (6½m.) Jan. 15	22 Little Beau Porky—Looney Tune (8m.) Nov. 14 33 Eyelash-Football-Knitting—Pic. Rev. (10m.) Nov. 21 33 Nut Guilty—Novelties (10m.) Nov. 21	240 Saturday Feb. 6 241 Wednesday Feb. 10 242 Saturday Feb. 13 243 Wednesday Feb. 17
E6-6 The Paneless Window Washer—Popeye Jan. 22 R6-7 An Underwater Romance—Sport. (9½m.) . Jan. 29 230	OF Clyde McCoy—Melody Masters (10m.) Nov. 28 OF Clyde McCoy—Melody Masters (10m.) Nov. 28 OF Along the Mediterranean—Colortour (10m.).Dec. 5 OF The Village Smith—Looney Tunes (7m.) Dec. 5	Pathe News
RKO—One Reel 280	14 Vaud-Villians—Big Time Vaud. (11m.) Dec. 12 14 Porky of the North Woods—L. Tunes (7m.) . Dec. 19 14 Oklahoma As Is—Novelties (9m.) Dec. 19	75246 Wed. (E.).Dec. 30 75147 Sat. (O.).Jan. 2 75248 Wed. (E.).Jan. 6 75149 Sat. (O.).Jan. 9
74504 Graveyard of Ships—World Par. (10½m.) Nov. 27 74503 Pathe Tonics—(10m)	16 Jimmy Lunceford—Melody Masters (10m.). Dec. 19 14 Southern Wear-Aviation—Pic. Rev. (11m.). Dec. 26 16 The Hollanders—Colortour Adventures Jan. 2	75250 Wed. (E.). Jan. 13 75151 Sat. (O.). Jan. 16 75252 Wed. (E.). Jan. 20
74505 Gold-Mania—World on ParadeDec. 25  RKO—Two Reels	Of Vaudeville with Harry Rose—Vaud. (11m.).Jan. 2  Vitaphone—Two Reels  16 The Blonde Bomber—Bway. Brev. (20m.)Nov. 28	75153 Sat. (O.)Jan. 23 75254 Wed. (E.).Jan. 27 75155 Sat. (O.)Jan. 30
73202 Don't Be Like That—Jack Norton (16m.). Dec. 4	7 Here Comes the Circus—Bway, Brev. (18m.).Dec. 5 22 Give Me Liberty—Bway, Brev. (22m.)Dec. 19 18 It's All Over Now—Bway, Brev. (20m.)Dec. 26	75256 Wed. (E.).Feb. 3 75157 Sat. (O.)Feb. 6 75258 Wed. (E.).Feb. 10 75159 Sat. (O.)Feb. 13
/3502 Deep South—Hall Johnson Choir (19m) Ian 1 (20	009 listed in the last Index under the title "Got a Match," a December 19 release, has been postponed.)	75269 Wed. (E.). Feb. 17

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Vol. XIX

SATURDAY, JANUARY 9, 1937

No. 2

#### THE CURE FOR OVERSEATING

Under the heading, "Too Many Theatres," Jay Emanuel makes the following comment in the January 1 issue of *The Exhibitor*:

"Exhibitors who would rather believe in the law than in the good intent of future neighbors might bear in mind that the time to pass ordinances barring new theatres from being built in any locality is not when a new theatre is announced but months or years before.

"The situation that arose in one spot which possessed a sole theatre and found out another was entering the town should serve as an example. To pass an ordinance which apparently aimed at new theatres after a new theatre is announced is not good business.

"Grosses picking up as they are, some of the folks who aren't satisfied with every one making a fair living aren't letting well enough alone. The exhibitor who has struggled through bad times and who wants to reap the reward for his courage shouldn't be faced with added competition just when things look rosiest.

"Checking new theatres should come under the heading of industry regulation but it just doesn't appear to work out that way."

There are exhibitors who, having never had a fire in their theatre, are lulled into a false security and do not provide themselves with the means by which they could extinguish a fire if one were detected. These become frantic when they discover a fire and haven't on hand the necessary precautionary mechanical apparatuses. As a result, their theatre burns down and, although they collect the insurance, out goes their regular income.

It should not be surprising to you or to any one else if few exhibitors have taken advantage of the draft of a city ordinance, intended to keep out unfair competition, which was printed in the May 16, 1936, issue of Harrison's Reports. Mr. Hirshblonde, of the Traco Theatre, Toms River, New Jersey, has been a subscriber to Harrison's Reports for many years; no doubt he read that draft, but he did nothing about it, and when the "fire" started rushed to provide himself with "fire extinguishers"; but it seems as if it is too late; he should have provided himself with the safeguards immediately after he had read that article.

Even if the exhibitors have provided themselves with the necessary safeguards against unfair competition, they should not rest until, they have removed the cause: what makes it possible for circuit theatre operators who are envious of a small fellow's prosperity to start a competitive theatre is their knowledge that,

with their great buying power, they will have no trouble getting the product away from the "lone" exhibitor. That is, then, the cause. And the preventive is the Neely-Pettengill Bill. If this Bill should be enacted into a law, your money will be as good as the other fellow's at buying films as it is now at buying groceries, shoes, clothing and other commodities.

The Neely-Pettengill Bill will soon be taken up in both houses of Congress. The Allied leaders are working hard to muster as much public support as they can. Help them! Disregard the paid agents of the producers masquerading as independent theatre owners, who pretend to grow hysterical at the thought of "Government control" of the motion picture industry. The Bill has in it no "Government Control" features; there is in it no provision that would tell any one of you how to run your theatre-no provision that would dictate to you what pictures to buy or what not to buy: the Bill provides for a free market, a market where you will have, as our President has said, the same rights, as you now have in the "polling place"; a market that is not controlled by the buying power of the circuits, to the detriment of the interests of the small theatre owners.

If you were to put your heart and soul back of the Exhibitor Defense Committee of Allied States Association, then you will be doing everything you can to safeguard your income and, by the same token, the comfortable living of your family.

One way by which you could support the efforts of the Exhibitor Defense Committee is to send to Mr. James Ritter, Rivoli Theatre, Detroit, Michigan, your minimum contribution, which is based on ten cents a seat for every seat in your theatre or theatres, either at a "lump" sum or at ten equal monthly installments. If you want to contribute more, the sky is the limit. At least you will have the satisfaction of knowing that every dime you will contribute will be spent for the purpose of introducing and making efforts to pass legislation divorcing exhibition from production-distribution, in every state where the prospects of success seem bright.: Bear in mind that, when such legislation is passed even in one state, the producers will put an end to their activities of acquiring or building theatres, for none of them will be unwise enough to invest additional money in theatres when he will not be sure that the highest court in the land will find the law unconstitutional.

As far as the constitutionality of the draft of the proposed law is concerned, let me repeat

#### "Sinner Take All" with Bruce Cabot and Margaret Lindsay

(MGM, December 18; time, 721/2 min.)

Though somewhat far-fetched, this murder mystery melodrama should more than satisfy followers of such type of entertainment. The identity of the murder is kept so well that it is doubtful if any one will suspect him until the very end. The action is fast and at times exciting. The situation showing the murderer attacking Charles Grapewin, and then throwing him to his death, may be a little too strong for women. The romantic interest is kept subdued. But Miss Lindsay, in situations where she should appear worried, goes through as if there were nothing wrong:-

Grapewin, his two sons, and his daughter (Miss Lindsay) receive death threats. Stanley Ridges, managing editor of one of Grapewin's newspapers, insists that Bruce Cabot, a former reporter now connected with Grapewin's lawyer's office, give up his law for a time to handle the death notice story. Grapewin and his two sons are eventually killed; this terrifies Cabot for he had fallen in love with Miss Lindsay, and feared that she might be next. Cabot's investigations lead him to believe that the murderer is George Zucco, his lawyer employer, who would benefit financially as the executor of Grapewin's will if Grapewin were to die. With the help of Ridges, Cabot sets a trap for Zucco; but to his amazement it develops that the murderer is none other than Ridges, who had committed the murders in the hope of inheriting the newspaper and thus making enough money to buy his wife luxurious things; he was afraid he was losing her. He takes poison just as the police arrest him. Miss Lindsay marries Cabot.

Whitman Chambers wrote the story, and Leonard Lee and Walter Wise the screen play. Errol Taggart directed it and Lucien Hubbard and Sam Marx produced it. In the cast are Joseph Calleia, Vivienne Osborn, and others.

Unsuitable for children. Adult entertainment. Class B.

#### "Crack-Up" with Peter Lorre, Brian Donlevy and Helen Wood

(20th Century-Fox, Jan. 15; time, 691/2 min.)

This spy melodrama is different from the general run of pictures of this type; it is exciting fare. But its appeal will be directed mostly to men. The excellent performances by Peter Lorre and Brian Donlevy, the two most colorful characters, are of considerable help in holding the spectator's attention, for the plot is somewhat complicated. The closing scenes are the most exciting; in addition to being dramatic and thrilling they have a tragic touch. The death by drowning of three of the characters may sicken sensitive people, particularly women. The love interest is pleas-

Lorre, supposedly a half-wit, spends most of his time at an important air field, where his childish prattle wins him many friends. No one realizes that he is a Baron, head of a powerful spy ring, and that he is after important new aviation plans. Donlevy, ace pilot, is chosen to make a test transatlantic flight, using a new plane designed by Ralph Morgan. But he had been using the flight as a blind to cover up his work for a spy ring to which he was to deliver, for a large amount of money, the new plans. He finds out that Helen Wood, sweetheart of Thomas Beck, his assistant, worked for the owner of the plans and that she was in charge of the filing room. By telling Beck a false story of how the plans had been stolen from him by Miss Wood's employer, he induces Beck to steal the plans while he is visiting Miss Wood. A slip-up in the arrangements that had been made to turn over the plans involves Donlevy in a murder. He decides to take off immediately on his flight to Berlin. He is accompanied by Morgan and Beck, and when he is quite a distance out discovers that Lorre is a stowaway. Eventually Lorre makes his identity known and takes the plans from Donlevy. Storms and motor trouble force Donlevy to bring the plane down in mid-Atlantic. The men realize that it was just a matter of hours before they will sink. Everything comes to light; Beck is happy that he is going to die realizing that he had been tricked into disgracing himself. Just as the end seems near, they sight a steamer and send up a flare. The three men insist that Beck use the only life preserver; he is rescued just as the other three drown. He returns home; explanations follow and he is cleared. He marries Miss Wood,

John Goodrich wrote the story, and Charles Kenyon and Sam Mintz the screen play. Malcolm St. Clair directed it and Samuel G. Engel produced it. In the cast are Kay Linaker, Lester Matthews, Earl Foxe, and others.

It may be too strong for children; otherwise suitable.

#### "Champagne Waltz" with Gladys Swarthout, Fred MacMurray and Jack Oakie

(Paramount, Jan. 29; time, 91 min.)

Fairly good entertainment. In spite of the fact that the plot is thin, it is a better and more down-to-earth story than the previous ones Miss Swarthout has appeared in, and with Fred MacMurray and Jack Oakie as co-stars, it stands a good chance of attracting the rank and file. The music is a blending of jazz numbers with songs of the more classical variety, which Miss Swarthout sings well. The production is outstanding, particularly in the closing scenes of a night club where two large orchestras play. The story is best in its comedy moments, which are ably handled by Oakie, Herman Bing, and Vivienne Osborne. The romance between MacMurray and Miss Swarthout is developed and culminated in a somewhat trite manner, but it is appealing, The background is Vienna:-

Miss Swarthout and her grandfather (Fritz Leiber), a descendent of the famous Johann Strauss, conduct a waltz palace, which is frequented by the best people in town. They are annoved when Oakie, publicity agent for Bing, owner of a cafe adjoining the waltz palace, engages MacMurray and his jazz orchestra to play there. The jazz music becomes so popular that Miss Swarthout and Leiber are forced out of business. She goes to the American Consul's office to complain against MacMurray; there she meets him and, mistaking him for the Consul, pours out her tale of woe to him. The chance acquaintance ripens into love, and Mac-Murray is determined not to let her know who he is. When she does find it out she denounces him. He gives up his orchestra work and goes back to New York, where he plays in cheap cafes. He communicates with Oakie telling him of a wonderful idea for a night club in New York; but he refuses to tell Oakie where he can be found. Oakie arrives in New York, bringing with him Miss Swarthout and her grandfather as his stars. The club proves very successful. But Miss Swarthout is unhappy because she cannot forget MacMurray. She meets him one night at the entrance to the club, and there is a joyful reunion. She works out a plan whereby they may combine waltz music with jazz and thus use both her grandfather's and Mac-Murray's orchestras. The idea proves to be a good one and every one is happy.

Billy Wilder and H. S. Kraft wrote the story, and Don Hartman and Frank Butler the screen play; A. Edward Sutherland directed it, and Harlan Thompson produced it. In the cast are Veloz and Yolanda, Frank Forest, Benny Baker, Ernest Cossart, and others.

Suitable for all. Class A.

#### "Smart Blonde" with Glenda Farrell and Barton MacLane

(Warner Bros., Jan. 2; time, 581/2 min.)

A passable program murder mystery melodrama. It should find favor mostly with patrons who enjoy figuring out solutions, for the murderer's identity is not divulged until the end. The story is pretty weak and is developed mostly by dialogue instead of by action; for this reason it occasionally becomes tiresome. There is nothing novel in the plot or in the way it is developed. The romantic interest

is dragged in, in an unbelievable way:

Joseph Crehan is killed just as he is about to enter a taxicab with Miss Farrell, a newspaper reporter, who wanted to get an interview with him in regard to the deal pending in which he was to purchase the night club and holdings of Addison Richards. Barton MacLane, police inspector and Miss Farrell's fiance, takes charge of the case. With the assistance of Miss Farrell, who does snooping on her own, he traces the clues to Charlotte Winters, the girl whom Richards was expecting to marry. Richards' pal is murdered; believing that Miss Winters had killed him in self defense, Richards takes the blame. But Miss Farrell proves to him that Miss Winters and her accomplice, whom she had been passing off as her brother, were crooks. They had killed Crehan because he knew about their activities, and then had killed Richards' pal because he knew too much about them. They are arrested. Richards realizes that he had made a mistake in throwing over Wini Shaw, a singer in his night club, for Miss Winters. He becomes reconciled with her. MacLane finally proposes to Miss Farrell.

Frederick Nebel wrote the story, and Don Ryan and Kenneth Gamet the screen play. Frank McDonald directed it and Bryan Foy produced it. In the cast are Craig Reynolds, Jane Wyman, and others.

The murders make it unsuitable for children. Adult entertainment. Class B.

#### "A Man Betrayed" with Eddie Nugent, Kay Hughes and Lloyd Hughes

(Republic, December 28; time, 57 min.)
This is good entertainment, better than the average

independent release. The story is logical and has several novel twists. It is developed in an interesting way and holds the spectator's attention throughout. One is in deep sympathy with Eddie Nugent (hero), who is framed by two crooks on a murder charge. The method he employs to trap the crooks is one of the novelties for he enlists the aid of other crooks in his endeavors. The comedy is good; and the romance between Nugent and Kay Hughes is pleasant. Several situations hold the spectator in tense suspense. The scene where a detective searches a sporting club where

Nugent was hiding, is one of them:

Nugent, stock salesman for an oil concern headed by Theodore Von Eltz, Edwin Maxwell, and John Hamilton, decides to go to South America to inspect the company's oil wells, to learn for himself whether they were a legitimate concern. The night he leaves, Hamilton, consciencestricken for having participated in crooked stock sales, makes a record over the dictaphone explaining how his partners had inveigled him into the crooked sales deals and that, being unable to stand the shame, he was killing himself. When the two partners find the body, they hire a gang of thugs to take it to Eddie Nugent's apartment, so that it may appear as if he had killed him. Nugent is arrested, tried, and convicted; he is taken to prison by train handcuffed to another prisoner. Friends of this prisoner attack the guards, and take the two prisoners with them. Nugent feels certain that the other two partners were responsible for Hamilton's death. Maxwell finds the dictaphone record of Hamilton's confession and breaks it. Nugent, with the help of John Wray, a gangster leader, who had taken an interest in him, forces a confession out of Ralf Harolde, who had taken the body to Nugent's apartment. His confession naturally brings about the arrest of Von Eltz and Maxwell; but since they had broken the only clue they are unable to prove their innocence, and are convicted. Nugent is freed and marries Kay Hughes.

Dorrell and Stuart McGowan wrote the original screen play. John H. Auer directed and William Berke produced it. In the cast are William Newell and others.

Since there is no murder it is suitable for all. Class A.

#### "Fugitive in the Sky" with Jean Muir and Warren Hull

(Warner Bros., November 28; time, 58 min.)

A pretty good program melodrama. The theme has been used before; nevertheless, it holds one's attention throughout, providing several tensely exciting situations. Practically all the action takes place aboard a commercial airliner carrying different types of passengers. The thing that makes this picture somewhat better than average program material is the realistic background. For instance, at one point in the story the passengers, upon leaving the plane after a forced landing, are compelled to walk through a dust storm to seek shelter. These scenes look so authentic that one can almost feel the dust in onc's face. The thrills are provoked by the actions of a murderer, one of the passengers, who, at the point of a gun, takes command and forces the pilots to follow his bidding and continue flying, despite warnings from the flying field telling them of the danger in continuing. A touch of mystery is added to the plot when one of the passengers is found murdered. At first one is led to believe that the murderer himself had committed the crime. But as the story progresses one realizes that the murder had been committed by another passenger, whose identity is not revealed until the end. Woven into the plot is a pleasant romance between Jean Muir, the airplane hostess, and Warren Hull, a newspaper reporter, who had boarded the ship on a hunch, thereby getting a scoop for his paper. Their courage in the face of danger wins the spectator's respect. The closing scenes in which the murderer is finally overpowered are exciting. Some comedy bits have been added, but it is the least important part of the picture.

George Bricker wrote the original screen play. Nicke Grinde directed it. In the cast are Gordon Oliver, Carlyle Moore, Jr., Howard Phillips, Winifred Shaw, Mary Treen. Unsuitable for children, Good for adults, Class B.

#### "Camille" with Greta Garbo and Robert Taylor

(MGM, Jan. 1; time, 109½ min.)
The familiar plot of "Camille," that sentimental tear-jerker, is known far and wide, but is not exactly the type of

entertainment sought by the modern picture-goer. Its fate at the bax-office will depend entirely on the strength of Greta Garbo's and of Robert Taylor's popularity. No fault can be found with the production Metro has given it; it is gorgeous. As for Miss Garbo, she is more glamorous than ever; thanks to her artistry, one can at times forget the creaky plot. She is most effective in the scenes showing her leading a simple life, regenerated by her love for devoted Armand (Robert Taylor). Some of the situations, despite the heavy sentiment, still have the power to touch one emotionally. The closing scenes, which show the death of Marguerite (Miss Garbo), bring tears to the eyes. The picture's greatest appeal will be to women:-

Marguerite, known throughout Paris for her extravagances, chooses as her lover the Baron DeVarville (Henry Daniell), who is extremely wealthy. She meets and is attracted to Armand, a young man of fair means; his devotion and sincere love for her soon wins her over. She realizes that for the first time in her life she is in love; she becomes regenerated. Heeding Armand's advice, she decides to live a simple life in the country and in that way try to regain her health. She is blissfully happy. But one day her happiness is shattered; she receives a visit from Armand's father (Lionel Barrymore), who pleads with her to give the young man up. He makes her realize that she is ruining Armand's future. By pretending that she no longer loves him, she sends Armand from her and goes back to the Baron and to the gay Parisian life. Armand meets her at a gambling palace and, in the presence of the Baron and of her friends, he insults her. The gay life soon tells on her health and she becomes desperately ill. Armand finds out that she had sacrificed herself for his sake, and returns to her; but too late-she dies in his arms.

The plot was adapted from the novel by Alexandre Dumas. Zoe Akins, Frances Marion, and James Hilton wrote the screen play, George Cukor directed it and David Lewis produced it. In the cast are Elizabeth Allan, Jessie Ralph, Lenore Ulric, Laura Hope Crews, and others

Not for children or adolescents. Adult entertainment.

· Class B.

#### "One In a Million" with Sonja Henie, Adolphe Menjou and Arline Judge

(20th Century-Fox, Jan. 1; time, 93½ min.)

This is not a "Sing, Baby Sing" by any means; it lacks the gaiety and the "peppy" musical numbers that made the other picture so entertaining; and the story is artificial. But it will probably draw because of the fact that this is the motion picture debut of Sonja Henie, the famous skating star, whose name is known internationally. She shows good possibilities as an actress; and as for her ability on the ice nothing like it has been scen on the screen. She seems to fly, executing difficult stunts with the utmost of ease and grace. The Ritz Brothers have little to do; the material given to them offers them scant opportunity to provoke laughter. The most comical scene is that in which they do a toreador number on the ice, two of them representing the bull and the other the matador. The rest of the comedy is handled ably by Adolphe Menjou and Arline Judge, as bickering husband and wife:

Menjou and his troupe arrive at a Swiss village where they had been engaged as entertainers at a famous hotel. They arrive tired, hungry, and broke and are disheartened when they learn that the hotel had burned down. They take temporary lodgings at an inn run by Jean Hersholt and his daughter (Miss Henie). Menjou learns that Hersholt, a former ice-skating champion, was grooming Miss Henie to compete in the Olympics; he watches her practice and is amazed at her skill. He is fired by the thought of putting on a big show in New York centering around her. Don Ameche, a newspaper reporter, another guest at the inn, who was covering the story of the fire, falls in love with Miss Henie. He saves her from endangering her amateur standing when Menjou asks her to give an exhibition at St. Moritz. She wins the Olympics and receives a cup; for a time it seemed as if she would have to give up the title because of her one appearance for Menjou, for which she had not received payment herself. Again Ameche comes to her rescue; everything is explained to the satisfaction of the officials. She goes to New York with Menjou, where she becomes a professional and triumphs in a lavish ice show in which she is starred. She marries Ameche.

Leonard Praskins and Mark Kelly wrote the story and screen play. Sidney Lanfield directed it and Raymond Griffith produced it. In the cast are Ned Sparks, Borah Minnevitch, Dixic Dunbar, Leah Ray, and others.

Suitable for all. Class A.

that the Drafting Board of Columbia University, which has drafted the bill, has assured the Allied leaders that it is perfectly constitutional.

#### NATURAL COLOR IN PICTURES

The natural color fad will soon die down, for the results have so far proved disappointing with the exception of one or two cases, which has been helped considerably by color. The present color, however, is not natural, but unnatural: the flesh color is copperish, the red too red, and the green and the blue too vivid. Landscapes are the only scenes where color has some effect; it is only in such scenes that people are willing to forgive color vividness.

The money that has so far been expended in natural-color pictures has not been justified by the box office receipts and unless color is improved to the point where it will not "drown out" the thoughts of the characters, it will prove a detriment rather than an advantage. Color should be made supplementary to the story and not predominant. Just as in good writing the word should not predominate the thought, so in moving picture composition—the purpose of the characters should stand above the mechanical expedients with which a picture is equipped.

### IN REGARDS TO THEATRE OPERATION BY DISTRIBUTORS' EMPLOYEES

In the issue of December 26, 1936, I stated that Mr. M. A. Mooney, who is branch manager for Warner Bros. in the Cleveland territory, and who at the same time is operating the Allen, at Akron, Ohio, lowered the admission prices in his theatre, and that the exhibitor organization of Akron protested against such an act.

That statement was slightly erroneous and I take this opportunity to correct it: The admission prices were lowered, not at the Allen, which is owned by Mr. Mooney, but at the Strand, which is owned by Warner Bros.

### THE PLAY-DATE STRIKE AGAINST METRO-GOLDWYN-MAYER

Conferences between representatives of the exhibitor organization in Philadelphia and W. F. Rodgers, general manager of distribution of Metro, have been going on with a view to arriving at some compromise so that MGM might not insist upon the sales terms which the Philadelphia zone and other exhibitors throughout the United States consider unreasonable.

The following letter from an exhibitor friend in Philadelphia sets the matter down pretty clearly:

"Up to this time there was really nothing to write you about, but developments on Saturday were the result of another meeting which had taken place Thursday of the week prior with Rodgers, Lynch, Pizor, Sablosky, and Segal, in which they obtained from Rodgers a promise that MGM would be agreeable to inserting a clause by which the exhibitor would be guaranteed against losses. On the face of it the compromise may not seem a victory, but by such a compromise the exhibitor is placed in a position where he may demand an adjustment by right instead of being compelled to grovel and be at the mercy of the distributor. Moreover, it gives

the exhibitor a chance to combat other distributors who may be asking unreasonable terms.

"The compromise was made chiefly because MGM had sold at least six thousand accounts, and it would hardly be possible for the exhibitors here to insist upon an agreement that would put Metro under the obligation of altering six thousand contracts to conform with the altered sales policy. I am of the opinion that, had this agitation started earlier, we would have won a more substantial victory, despite desertions from the cause. If such were the case. I am sure that we would have the support of many other organizations throughout the United States.

"Personally, I feel that it is a substantial victory. I know that Warner Bros. are now selling 'The Charge of the Light Brigade' and 'Anthony Adverse' for 35% and 40% respectively, whereas before this agitation they demanded 50%; and as I understand the matter the boys are going to train their guns at other distributors—at those who are refusing to grant any adjustments.

"If you have any ideas on the subject, I am sure they would be very happy to hear from you.

"In closing, let me add that the boys here are not unmindful of your cooperation and support. I am sure that you can get anything from us within reason.

"I am making this statement not with a view to be agreeable to you; I merely convey the sentiments of every one here."

From correspondence exchanged between Messrs. Pizor, Sablosky and Segal, as members of the committee, and Mr. Rodgers on behalf of Metro, I gather that the exchanges are authorized to make adjustments on the spot if film costs are not justified by the box office returns; that the 40% charge for some MGM pictures was adopted not because the pictures cost a great deal but because they merited it; that MGM did sell some of the lower bracket pictures at 20%, but this was a matter of individual negotiation; that MGM insisted upon the playing of sixteen pictures on preferred days, but beyond that number it was a matter of individual negotiation; that even though MGM had four pictures at 40% in the contract, if only two pictures showed enough strength to be played at forty per cent, they would not compel the exhibitor to play other pictures on such terms; that the matter of adjusting contracts was in the hands of the branch managers.

Considering the matter from all angles, Harrison's Reports may say that, in view of the fact that this fight was carried on by one organization alone, the concessions have been substantial. This does not mean, of course, that those exhibitors who still consider the MGM terms unreasonable are compelled to accept them; it merely gives them a minimum basis. Had this movement been national, perhaps it would be a different tale to tell.

This brings us again to the point of organization: a compact national organization, represented by fighting regional organizations, can get somewhere; fighting as individual units, however, the results cannot be expected to be greater than those obtained by the Philadelphia organization.

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#### THE SAME OLD TACTICS

Under date December 7, Motion Picture Theatre Owners of America, the so-called exhibitor organization but truly one that represents only the interests of the Hays association and of the major producers, sent out a bulletin in an effort to gain support against the efforts of the exhibitors, led by Allied leaders, to bring about reforms in this industry by legislation. This bulletin was circulated among exhibitors, trade papers, and no doubt the heads of many civic, fraternal and religious organizations.

The bulletin was written by some one who knew the effect of propaganda; he started the discussion by taking up theatre taxation, a subject which will interest the reader, if he should happen to be an exhibitor.

But all through the bulletin a careful reader will not fail to discern the purpose of this propaganda; it is to neutralize the efforts of the exhibitor leaders who are trying to effect reforms by the only means through which they may be effected—legislation.

Under date of January 6, Mr. Abram F. Myers, general counsel of Allied States, has replied to this bulletin by means of a release, which he sent to the Allied leaders. His answer is so effective that I feel every exhibitor should read it. Here it is:

"Because motion pictures affect the public so intimately and the business is under the surveillance of so many interested parties, both private and official, the motion picture industry stands in urgent need of an expert public relations counsel. The point can be illustrated by a comparison of the motion picture industry and the Standard Oil Company. The early activities of the latter, as revealed in Ida M. Tarbell's 'History of the Standard Oil Company,' were not a sweet smelling magnolia. They gave rise to much remedial legislation, such as the Hepburn Anti-rebate Law and finally brought on the famous dissolution suit which really did not dissolve. Then Standard Oil reformed in a substantial way and retained the late Ivy Lee, ace public relations expert of all time, to demonstrate to the public that this was so. So successful were his efforts that the Standard Oil Company today is regarded as one of the soundest, best managed institutions in the world and the Rockefellers as models of rectitude and civic virtue

"The motion picture industry early fell into public disrepute as a result of the smut that crept into the product and the demoralizing conditions that prevailed in Hollywood. Confronted by the same problem that Standard Oil had successfully solved, the motion picture industry chose a different course. Instead of uprooting the evils disclosed, it chose merely to gloss them over, and instead of employing public relations counsel capable of gaining and holding the confidence of the public it turned to politicians. There was a mere pious pretense of reform and industry spokesmen were employed merely to mislead the public into thinking that the pretense was a reality.

"This policy has saved the industry in a number of tight scrapes. When conditions became so bad that there was a general public outcry and threat of governmental regulation, the production code, the M.P.T.O.A. program and other similar devices were brought forth to save the day. But the public was bound to see through these transparent performances; the mere repetition would have insured this, even if the act had been artistically done. Today the public understands the situation perfectly well, and, as a result, it has lost confidence in the industry and its spokesmen. Allied States Association is the only organization to which great bodies of public spirited citizens can and do turn for unbiased information concerning the policies and practices of the motion picture industry.

"These observations are the result of reading a bulletin of the Hays-controlled Motion Picture Theatre Owners of

America dated December 7, 1936, copies of which have been sent to many Allied leaders and members, and, we suppose, to representatives of the public. This document is such a complete exposition of the insincerity and pretense of those in charge of inter-industry and public relations that Allied wishes, for selfish reasons, that it had been circulated even more widely. All exhibitors and most observers among the public groups understand the status of the M.P.T.O.A.; and in case there are any who do not, Allied will make this bulletin the occasion for explaining it.

"The purposes of the bulletin were twofold: (1) to persuade the public groups that the industry acceptance of the M.P.T.O.A. trade practice proposals makes legislation such as the Neely-Pettengill Bill unnecessary; and (2) to intimidate independent exhibitors against participating in the Allied legislative campaign. As regards the former, the bulletin recites the M.P.T.O.A. is beginning to get answers which are 'for the immediate and practical benefit of all independent exhibitors' (underscoring in the original). The concessions granted as a result of this shadow-boxing between Haysite exhibitors and Haysite distributors were fully and accurately summarized in the Allied bulletin dated November 10, 1936. Not a single concession was made which has the slightest bearing on any of the major abuses aimed at by the Allied bulletin dated November 10, 1936. Not a single concession was made which has the slightest bearing on any of the major abuses aimed at by the Allied program. Those who claim that anything has been yielded in the matter of cancellations will have the problem of squaring this claim with what they asserted before Congressional Committees last year that they already had. Certainly industry spokesmen on those occasions claimed with apoplectic vehemence that a ten per cent cancellation then existed.

"Another bit of choice reading which will bring a smile to the lips of the exhibitors and to members of the public who know, or soon will know, the facts, is the characterization of the Allied program as 'spite legislation' and the Allied leaders as 'promoters' who don't give a hoot as to whether their measures work in the interest of the theatre owners 'as they have no important theatres of their own to worry about.' As to 'spite legislation' it must be that the M.P.T.O.A. regards such practices as compulsory block booking, compulsory designation of playdates, and overbuying by circuits as evils, since in their petition to the distributors they ask for relief against them. Now Allied knew from experience that the distributors would yield nothing voluntarily and Allied's judgment has been completely vindicated by the unyielding answers supplied Mr. Kuykendall. Why is it 'spite' to seek by legislation the necessary relief which M.P.T.O.A. has shown can not be obtained by petition? And as for Allied leaders being promoters without substantial investment in the business, consider those great theatre owners Ed Kuykendall, Charlie Pettijohn and Dave Palfreyman, who together own about as many theatres as the combined Irish, Jewish and Swiss navies have battleships.
"Not the least clever part of this extraordinary bulletin

"Not the least clever part of this extraordinary bulletin is its references to the great bodies of theatre-goers and potential theatre-goers represented in such vast organizations as the Parent-Teachers Association, Motion Picture Research Council, Womens' Christian Temperance Union and others interested in the Neely-Pettengill Bill. They will be interested to read that, despite their own frequent denials, their real purpose in sponsoring the anti-block booking bill is to bring about the local censorship of pictures. Now if the leaders of these movements were utter imbeciles, or were untruthful and corrupt, the authors of this bulletin might feel justified in either enlightening them

### "Let's Make a Million" with Edward Everett Horton

(Paramount, Dec. 18; time, 59 min.)

Mediocrc program entertainment. The story is the familiar one of the "worm" that turns; and this version not only lacks novelty, but it has been given a cheap production. Even though it runs just fifty-nine minutes, one feels as if it drags. By the time the picture is half-way through, one knows just what is going to happen, so that one loses interest in the outcome. The romance is dull:—

Edward Everett Horton, a timid bachelor who is ruled by his two aunts, is overjoyed when he receives his bonus bonds for he feels that now, after a five year engagement, he can marry Charlotte Wynters, the girl he loves. But his aunts have different ideas—they want him to use the money to erect a monument in memory of his uncle, who had been dead for many years. At first Horton tries to rebel, but because his aunts hold his note for \$1,500 and threaten to suc him to collect it he decides to go to the city to arrange for the monument. Instead of doing this, he invests the money with Porter Hall and Purnell Pratt, two crooked oil men, who follow him to his home town where, by using Horton's name, they sell stock to all his friends. When the friends learn that the stock is valueless they blame Horton. But Horton discovers oil on his own property and is thus able to repay all his friends the money they invested with interest. He marries Miss Wynters.

Lawrence Pohle and Thomas Ahern wrote the story and

Lawrence Pohle and Thomas Ahern wrote the story and Robert Yost and Manuel Seff the screen play. Raymond McCary directed it and Harold Hurley produced it. In the cast are Margaret Seddon, Margaret McQuade, Irving Bacon, J. M. Kerrigan, and others.

Morally suitable for all. Class A.

#### "Mind Your Own Business" with Charlie Ruggles and Alice Brady

(Paramount, Jan. 8; time, 74 min.)

This is an amusing program comedy. It makes use of many gags, some old and others new; but these arc, for the most part, comical. Charlie Ruggles again enacts the role of a timid soul who is thrust into the limelight much against his will. Egged on by his more practical wife (Alice Brady) into pursuing work that is against his nature, he finds himself forced into exciting situations, from which he extricates himself in a laugh-provoking manner. Miss Brady makes an excellent partner for Ruggles. There is no romantic interest in the story:—

Ruggles, who writes a daily column on birds and flowers, is made an honorary member of the Boy Scouts and gives them nature talks. He returns from an outing tired and, asking Miss Brady to awaken him early so that he might write his column, he goes to bed. But because she had always felt that what he had to say was dull, she decides to write the column herself. Instead of writing about birds, however, she writes a gossip column referring to people and incidents in the terms of birds and flowers. Ruggles oversleeps and is shocked to read his column the next morning, for which he is congratulated. He continues the work and becomes the most popular columnist; Miss Brady gets some of the gossipy news for him. She gives him information about a certain politician which he misunderstands. He prints the erroneous item in his column about a killing and to his surprise things happen just as he had printed. Fearing that they knew too much, the gangsters involved kidnap Ruggles and Miss Brady. The Boy Scouts set out to rescue them. On the way to the gangsters' hideout, Ruggles leaves many clues for the Boy Scouts to follow. Eventually they rescue him and capture the gangsters.

John Francis Larkin wrote the story, and Dore Schary

the screen play. Norman McLeod directed it and Emanuel Cohen produced it. In the cast are Lyle Talbot, Benny Baker, Jack LaRue, Frankie Darro, and others.

Suitable for all. Class A.

#### "The Plough and the Stars" with Barbara Stanwyck and Preston Foster

(RKO, Jan. 15; time, 66 min.)

Although produced well, this cannot be compared to "The Informer"; it has neither the power nor the general appeal of the other. It will be appreciated mostly by Irish people, who can better understand the motivating force of the Irish rebellion and who can sympathize with the patriots. The screenplay is inadequate as far as the ordinary picturegoer is concerned; it does not build up the proper sympathy

for the Irish fighters, nor does it make one feel as if they were justified in fighting. It it pretty sombre entertainment for the most part, with intermittent outbursts of comedy. Incidentally, it is best in its comedy moments, which are ably handled by the talented players of the famous Abbey Theatre of Dublin. One is in some sympathy with Barbara Stanwyck, Preston Foster's wife, who rebels against the fighting and feeling of bitterness. Her constant bemoaning of her fate, however, soon wears on one's nerves. The closing scenes are the most dramatic:—

Miss Stanwyck tries to keep Foster, her husband, from joining the Rebels, but he resents this and tells her his duty to the cause comes first. When the fighting breaks out, Foster joins his comrades. This brings unhappiness to his wife. When the rebels realize that their cause is lost, Foster rushes to Miss Stanwyck. She knows that, if he should be found there by the English soldiers, he would be arrested. She takes him to Una O'Connor's apartment, where mourners were sitting around the coffin of her dead child. Miss O'Connor permits Foster to hide his gun in the coffin. When the English soldiers arrive to search the apartment for rebels, they find Foster sitting amongst the mourners, and since there is no sign of a gun they leave him alone. Foster tells Miss Stanwyck that, although the uprising had failed, the struggle will continue.

The plot was adapted from the play by Sean O'Casey. Dudley Nichols wrote the screen play. John Ford directed it, and Cliff Reid and Robert Sisk produced it. In the cast are Barry Fitzgerald, Denis O'Dea, Eileen Crowe, J. M. Kerrigan, Erin O'Brien-Moore, and others.

Morally suitable for all. Class A.

#### "God's Country and the Woman" with George Brent and Beverly Roberts

(Warner Bros., Jan. 16; time, 84 min.)

The two outstanding features in this picture are the infernal noise, the kind that drives one to distraction, and the constant silly bickering between George Brent and Beverly Roberts. As far as the colors are concerned, they are not natural but unnatural, proving conclusively that color cannot make a poor screen play entertaining. There is fast physical action; that is, the characters are kept moving all the time, some of them plotting, the hero bent upon helping the unwilling heroine, and some helping the hero help her. It all ends according to formula—the boy gets the girl, overcoming all obstacles. There is not much human interest, and some of the comedy is nauseating; it shows Roscoe Ates carrying around in his arms a skunk. A few of the shots at the lumber camp are highly interesting and a few very beautiful:—

Robert Barrat, lumber camp owner, covets the lumber property owned by Miss Roberts, who was in a way in the hands of Barrat, for her logs could reach tidewater only through his camp. Barrat sends for Brent, his playboy brother, to put him to work, and to help him in his scheme to get hold of Miss Robert's property. But Brent refuses to take things seriously; entering his hydroplane, he flies away. Lack of gasoline makes him alight in the water, near Miss Roberts' property. He applies to Miss Roberts for some grub, but he is treated in a surly manner, being told that he has to work to earn his food. When he tries to leave, he is stopped at the boundary of the property by his brother's men, who will not believe that he is Barrat's brother. He is thus compelled, under an assumed name, to work at Miss Robert's camp. Brent finds out about his brother's schemes and, since he had fallen in love with Miss Roberts, tries to help her. Barrat finds out that it was his brother who had been thwarting his schemes and, calling upon Miss Roberts, he exposes him. She, shocked, sends Brent away. Brent, defeated, goes back to his brother's office. The rolling of Miss Robert's logs into the river begins, but Barrat has his men jam the logs. When Brent finds out about this he rushes to Miss Robert's camp, takes command and, after a ferocious battle between the men of the opposing camps, succeeds in clearing up the jam. Barrat gives up; he consents to a marriage between his brother and Miss Roberts.

The plot has been taken from James Oliver Curwood's book, which was put into pictures in 1916, by Vitagraph. The adaptation was made by Peter Milne and Charles Belden. The screen play was written by Norman Reilly Raine. William Keighley directed it, and Lou Edelman produced it. Alan Hale, Joseph King, El Brendel, Vic Potel, Herbert Rawlinson and others are in the supporting cast.

Suitability, Class A.

#### "Racing Lady" with Ann Dvorak (RKO, Jan. 22; time, 58 min.)

This will have a limited appeal—to lovers of horses and horse-racing, for that is what the story is entirely concerned with. For those who are disinterested in horses the trite plot has little to offer; if it were not for the thrilling race at the finish it would have practically no excitement. Ann Dvorak and Harry Carey give good performances and make their roles believable and likeable; but they are hampered by poor material. Berton Churchill and Ray Mayer try their best to provoke laughs; but they, too, are hampered by weak dialogue and silly comedy by-plays. The love affair is just hinted at and has little appeal:

Carey, formerly an owner of a fine stable but reduced to running a horse training farm, teaches his daughter (Miss Dvorak) the fine points of sportsmanship. She shares with him his love for horses. She enters "Katydid," a horse she had trained, in a claiming race; she is overjoyed when the horse wins. She is told, however, that Smith Ballew, millionaire automobile manufacturer and owner of thoroughbred horses, had bought the claiming rights to Katydid. When she goes to him to buy the horse back he refuses to sell it; his purpose in doing this was to compel Miss Dvorak to work for him as trainer of his horses, hoping thereby to get wide publicity for his manufacturing business. His scheme works. Miss Dvorak trains winners for him and becomes famous as the only woman trainer. Ballew in spite of promises, refuses to permit her to enter Katydid in an important race because he felt the horse was not a winner. Carey tells Miss Dvorak that this was wrong, that a horse is entitled to one chance. Balley's stable manager steals the horse; but Miss Dvorak finds it and enters it in time to race. Katydid wins. Miss Dvorak learns that Ballew had had nothing to do with the theft of the horse and that he had been the one who had given the information as to where it could be found. Miss Dvorak rushes to his arms.

The plot was adapted from two stories, one by Damon Runyon, and the other by J. Robert Bren and Norman Houston. Dorothy Yost, Thomas Lennon, and Cortland Fitzsimmons wrote the screen play. Wallace Fox directed it and William Sistrom produced it. In the cast are Frank M. Thomas, Willie Best, Hattie McDaniel, and others.

Morally suitable for all. Class A.

## "Happy Go Lucky" with Phil Regan and Evelyn Venable

(Republic, Dec. 14; time, 69 min.) Satisfactory program fare. The plot is extremely farfetched; but what it lacks in realism is made up for in fast melodramatic action and comedy. Phil Regan, playing a dual role, handles his assignment competently and sings a few popular numbers in a pleasant way. Mistaken identity is the basis for most of the exciting and laugh-provoking situations. The closing scenes, showing the methods Regan uses to outwit the plotters, are rather silly but will probably provoke laughs. The plot is developed in a breezy manner. The action takes place in Shanghai.

Eric Taylor, Wellyn Totman, and Andre Bohem wrote the story, and Raymond Schrock and Olive Cooper the screen play. Aubrey Scotto directed it and Colbert Clark produced it. In the cast are Jed Prouty, William Newell,

Jonathan Hale, Harlan Briggs, and others.

Suitable for all. Class A.

#### "Find the Witness" with Rosalind Keith and Charles Quigley

(Columbia, Jan. 8; time, 55 min.)

A moderately entertaining program melodrama, Although the story is ordinary, it holds the spectator's attention to some extent owing to fast action and an exciting finish. It is quite obvious who the murderer is; for that reason the interest lies not in the discovery of the criminal's identity but in the manner in which he is apprehended. One is held in suspense in the closing scenes where Charles Quigley (hero) offers himself for an experiment in order to trap the murderer. The love interest is pleasant:

Quigley, a newspaper reporter, becomes acquainted with Rosalind Keith, secretary to Rita LaRoy, a temperamental opera singer, who was having marital difficulties. When Miss LaRoy learns that her estranged husband (Henry Mollison) had been seen with Miss Keith, she accuses her of being the other woman in her husband's life; their quarrel is overheard by bellhops. Miss LaRoy is found murdered, and the police suspect Miss Keith of the murder.

But Quigley has another theory; he insists that, even though Mollison at the time of the crime was supposedly submerged in a steel casket in twenty feet of water, he was the murderer. He willingly offers to go through Mollison's act to show how he had managed to get out of the casket, commit the murder, and then return to the casket. Mollison attempts to cause Quigley's death while he is submerged, but is trapped by Miss Keith. Quigley, who is brought up in time, wins a promotion on his paper for his good work, and marries Miss Keith.

Richard Sale wrote the story, and Grace Neville and Fred Niblo, Jr. the screen play. David Selman directed it, and Ralph Cohn produced it In the cast are James Conlin,

Charles Wilson, Wade Boteler, and others

The murder makes it unsuitable for children. Harmless for adults. Class B.

#### "Strangers on a Honeymoon" with Constance Cummings and Hugh Sinclair

(Gaumont-British, Dec. 15; time, 68 min.)

This is an extremely far-fetched comedy-melodrama; the plot is so involved that one tires after the picture is about half-way through. It may please audiences that do not mind plot inconsistencies as long as the action is fast; it has little attraction for regular picture-goers. Miss Cummings' attempts at light comedy fall somewhat flat, owing to the ridiculous situations in which she is placed. The love interest is somewhat pleasant:

Miss Cummings resents the intoxicated condition of her fiance on the night of their marriage and takes his dare to marry some one else; she chooses Sinclair, a tramp whom she had befriended, marries him, and leaves with him. She realizes that several persons are after him and asks for an explanation. She finally learns that his cousin (Betrix Lehmann) was trying to get from him his part of a torn deed which, together with her portion and that of a third heir, would give them possession of an oil field, left as an inheritance to them. Miss Cummings and Sinclair get into many exciting situations—they are compelled to steal the clothes and automobile of a young couple in order to reach the third heir before Miss Lehmann gets to him. They finally arrive there; but the third heir tries to trick Sinclair into giving him his portion of the deed. The police arrive in time to arrest the designing heirs and to save Sinclair's inheritance. Miss Cummings is amazed to learn that her husband is an English lord. They are glad to be married for they had fallen in love with each other.

Edgar Wallace wrote the story, and Sydney Gilliat and Bryan Wallace the screen play; Albert de Courville directed it. In the cast are Noah Beery and Maurice Freeman,

There is nothing morally objectionable to the film.

#### "Mysterious Crossing" with James Dunn, Andy Devine and Jean Rogers

(Universal, Dec. 7; time, 551/2 min.)

A fair program murder melodrama-comedy; the plot is somewhat far-fetched. Nevertheless it holds one's attention pretty well, for the action is fast and the murderer's identity is not divulged until the end. Devine supplies the comic relief, provoking many laughs as a whining hill-billy who is unwillingly dragged into adventures. The closing scenes, where Dunn and Devine escape from the villain's henchmen and rush to Jean Rogers, who was being duped by the villain, are the most exciting. The romance is developed in the routine manner:

Dunn, a newspaper reporter, while crossing the Mississippi with Devine, accidentally finds out that a certain banker, who had disappeared from the train ferry, had been murdered. He becomes acquainted with the banker's daughter (Miss Rogers) and promises to help her. His snooping leads him into many dangerous situations and he comes upon criminals who attempt to kill him and Devine, his constant companion. Eventually he proves that it was Miss Rogers' fiance (John Eldredge), who had killed the banker because he had been returning home with information that would have broken up Eldredge's scheme for a fake real estate financing company. Since Dunn and Miss Rogers had fallen in love with each other, they decide to marry.

Fred MacIsaacs wrote the story, and Jefferson Parker and John Grey the screen play; Arthur Lubin directed it and Val Paul produced it. In the cast are Hobart Cavanaugh, Herbert Rawlinson, and J. Farrel Macdonald.

Since the murder is not shown it is suitable for all. Class A.

or in exposing them. But since these highly educated and very intelligent persons have said, plainly, that they sponsor the bill to provide community selection and as a means of avoiding censorship, this bulletin is merely another slap in the face. These people remember only too well Mr. George Schaefer's tactful utterance at the Neely-Pettengill hearings to the effect that 'You good people'-meaning the leaders of these vast public groups—'have had the wool pulled over your eyes by these exhibitors.'

"Finally, there is the time-honored resort to threat's and intimidation. If the independent exhibitors sponsor legislation the big boys do not like, there may be reprisals. There may be legislation that the little fellows do not like, and the big boys may not protect them against it. For example, legislation sponsored by labor unions. Well, the independent theatres have been through some bitter strikes. The struggle was made necessary because they simply could not afford to meet demands encouraged by the chain theatre competitors. In every case that we can remember, the independents took the rap while their big competitors made a deal with the unions and gained a competitive advantage out of the predicament of their smaller rivals.

"In the matter of tax legislation, the implied threat to withhold cooperation is quite interesting. We notice that at the hearings on such bills it is the little fellows, not the big ones, who are pushed forward. We shudder to think what would happen if only the great affiliated chains, represented by Charlie Pettijohn, opposed such legislation. That is one of the reasons why a stooge exhibitor organization is maintained by the organized producers and distributors. And if Charlie wants to divide forces and interests as between the big chains and the little independents in such matters, he may be protecting the chains—it is not for us to

"In any case, this bulletin is reminiscent of a speech delivered by Charlie at a meeting of the old M.P.T.O.A. of Ohio in 1929. The stage had been set by industry politicians, and Allied leaders and M.P.T.O.A. leaders were called neutral territory. Billy James expressed the hope brought together under Crarlie's auspices on what was that the meeting would result in bringing the two exhibitor organizations together. Then Charlie made a speech in which he said he proposed to throw the chains as dues-paying members into such exhibitor organizations as were 'constructive' and to leave the others out in the cold. Allied leaders, right or wrongly, interpreted this as a bribe to the independent exhibitors to bring their organizations under Charlie's control, or as a threat that unless they did submit to Charlie's dictation they would forfeit producer-distributor cooperation in legislative battles involving the interests of all branches of the industry, and they voiced their resentment. It is unlikely that any other utterance by producerdistributor spokesmen contributed so much to the upbuilding of Allied States Association, even though M.P.T.O.A. got the chains.'

#### MAKING THEATRE OPERATORS STOP EXPANDING

Under the heading, "Resolution Time is Here Again," Chick Lewis, of the Showmen's Trade Review, has the following as one of his suggested New Year resolutions:

"Maybe someone will dope out some way to make certain theatre operators drop their so-called expansion plans better known as invading the territory of other exhibitors, which are bound to result in over-seating and headaches for all concerned. . . . Maybe if the exchanges were to resolve not to serve such invaders they would think twice about trying to chisel in on someone else's territory where there are indications that new theatres are necessary and this goes for the expansion plans of all other circuits,

national or otherwise. . . ."
My friend "Chick" seems to be under the impression that circuit managers and exchange managers are angels, for only that type of people will stop building competitive theatres when they see a chance of success, even at the expense of the other fellow, or will refuse to serve newcomers when they see a chance of sending their quotas higher, as the case may be. The matter cannot be left to individual discretion; it hasn't worked out in this or any other industry in the past, and it will not work out now or in the future. The situation must be taken care of by a higher authority, by an authority that has the power of imposing its will. And such authority cannot be any other than that of the law. It is only the law that compels people to recognize where their own rights end and those of the other persons begin-it is the law that makes people realize that some restriction must be placed upon their own freedom for the common good.

Abuses in the motion picture industry have been going. on for years. The producers could have put an end to many of them, but they have not done it. Whenever any means were adopted to prevent these abuses, they circumvented them. Who can forget the days of arbitration? They employed every possible method to control the arbitration boards. Who can forget the NRA Code? They did everything they could to gain control of the Code Authority and of the Code Committees. How much control they exercised over it may be realized by the fact that they drafted the very Code itself. They even supplied to their representatives lists of the exhibitors whom they favored for the committees, battling vigorously to exclude other exhibitors.

They are now proposing, through their men Fridays, conciliation committees to solve exhibitor-distributor differences.

But they can fool no one this time; we know that they did. not change in the past, and that they are not going to change in the future. Only the United States Government, backed up by suitable legislation, can set this industry in order, so that every able and intelligent man may have his chance at making a living in it.

Paramount has announced officially that it is going to go after more theatres. The money will, of course, come from the public. Their theatre operation on a large scale cost the American public tens of millions of dollars; evidently they are looking for a repetition of that fiasco. In the meantime, they will drive more independents out of business. Are you, then, going to stand by and see them drive you and other independent exribitors out of business? If not, why don't you send your contribution to the Exhibitor Defense Committee, in care of James Ritter, treasurer, Rivoli Theatre, Detroit, Mich.? This committee is about to introduce, in every state it can, a bill to divorce exhibition from production-distribution. It is the only method by which not only producer theatre expansion, endangering your investment, may be averted, but also theatre operation. or control by producers may be ended.

Send your contribution to the committee now: your quota is an amount equal to ten cents for each seat there is in your theatre or theatres. If you desire to contribute more, the sky is the limit.

#### NATIONAL SCREEN ADVERTISING

The attitude of this paper toward national screen advertising is known well to most of you: in 1931, it carried on a campaign against the policy of Paramount and Warner Bros., which organizations had gone into sponsored screen advertising on a large scale. With the aid of the newspapers, this paper was able to compel these companies to give up their screen advertising activities.

The theory upon which this paper based its fight was, first, that the public resented the imposition, and, secondly, that the screen was competing with the newspapers, the

good will of which the motion picture industry must have. From time to time I read of exhibitor bulletins urging you to tie up with this, that or the other national advertising concern for the purpose of increasing your income. Personally I feel that you lose more than you make by it, by reason of the fact that you are deprived of much newspaper support. The newspapers may say nothing against you, but they will say for you no more than you pay for.

There isn't so much objection on the part of the newspapers when the advertising is of local character, though you should avoid even this sort of advertising, but when you contract to show national advertising, I am sure that you are making an enemy of your local newspaper.

#### THE SELZNICK PICTURES

Last spring David Selznick, when he did not know what Last spring David Selznick, when he did not know what he was going to deliver to United Artists for distribution other than "Little Lord Fauntleroy," sold his pictures as Nos. 2, 3, 4 and 5; No. 1 was, of course, "Little Fauntleroy." No. 2 is "Garden of Allah."

No. 3 was to be "Tom Sawyer," the Mark Twain book; but since a boy to take the part of Tom Sawyer could not

be found in time, the production schedule was altered so that "A Star is Born" may be produced ahead of "Tom Sawyer." And "A Star is Born" becomes, of course, the Selznick No. 3 picture.

Incidentally, let me say at this time that, if you want to buy the Selznick pictures, you are under no obligation to buy any other pictures from United Artists along with them. In other words, the sale of the Selznick pictures are not tied up with the pictures of any other producer who releases through United Artists. That is, at least, what I have been made to understand authoritatively.

### ARRISON'S EPORT

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Its Editorial Policy: No Problem Too Eig for Its Editorial Columns, if It is to Benefit the Exhibitor

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#### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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### The Producer Response to the MPTOA Reform Demands

For several weeks the trade papers have been full of news items about the ten-point program of Motion Picture Theatre Owners of America and the response of the producers to it.

Before I go into this matter, let me again say that Motion Picture Theatre Owners of America is sustained with money supplied by the members of the Hays Association, with which it cooperates fully, refusing to have anything to do with duly constituted independent exhibitor organizations.

I dislike to harp upon the status of this organization, for some readers might conceive the impression that I have a personal grievance against some one of the officials connected with this organization; but lest there be independent exhibitors who might take its efforts as coming from people who sincerely believe that they are working for the interests of the independent exhibitors, I risk misunderstanding to keep such exhibitors from falling under the spell of the "siren." I have greater respect for the officers and workers of the Hays Association than I have for any leader of MPTOA, because those connected with the Hays Association are not masquerading under false colors—we know what they are being paid for; whereas those connected with the leadership of MPTOA profess allegience to the independent exhibitor, while they allow their organization to be supported by the major producers almost exclurively. And it is hardly conceivable that an organization will work against the interests of those who support it financially.

The ten points which MPTOA submitted to the major producers several months ago are the following: (1) Unconditional Minimum Rejection Privilege; (2) Local Boards of Conciliation; (3) Unreasonable Clearance; (4) Overbuying to Deprive a Competitor of Pictures; (5) Unfair Cut-Rate Competition Between Theatres; (6) Unfair Non-Theatrical Competition; (7) Short Form of Exhibition Contract; (8) the Separate Score Charge; (9) Designated Dates on Undelivered Pictures; (10) Forcing Excessive Short Subjects with Features.

These subjects do interest the independent exhibitor, indeed, for he has been suffering under the abuses of the distributors, and any relief would be welcomed by him. But let us see what the MPTOA leaders have accomplished by demanding them:

Ed Kuykendall, president of MPTOA, sent a letter to the distributors asking them to make concessions on these points. This was months before the presidential elections.

The producers paid no attention to him, until after the elections.

Harrison's Reports put it right when it said that it would not be surprised if the producers, since Franklin D. Roosevelt was re-elected by an astounding majority, came forward with concessions, concessions which they would never think of granting had Mr. Roosevelt been defeated, for that observation turned out to be accurate: the producers, in a desire to tell the United States Government that all is serene in the motion picture industry, began giving, what seem to be, concessions.

Let us, however, examine these so-called concessions. point by point, to see what they are:

(1) Cancellations: Universal is willing to grant them without any restrictions; Twentieth Century-Fox, under certain conditions, and when an exhibitor buys all the product; MGM, when the exhibitor buys all the product; RKO, unrestricted on all pictures produced by RKO; United Artists, said "No!" because its pictures are sold

individually. Columbia, Paramount and Warner-First National have not yet replied.

Summing it all up, there has been no concession on this point to Kuykendall's demands.

(2) Conciliation Boards: Universal says yes if the others are willing; Fox is willing, but the matter requires study; MGM wants also a New York City Appeals Board, promises hearty support; RKO, approves; United Artists, approves, with a New York City Appeals Board, but requests further study of the matter.

Definite committals have not been made; and if they have, it is doubtful if these boards will go very far, for the cooperation of truly independent exhibitor organiza-tions has not been asked. Since Kuykendall is cooperating with the Hays Association, we cannot help feeling that these boards will be nothing more or less than brain children of the producers, just as were the arbitration boards, which Judge Thacher knocked out.

(3) Clearance: Universal does not admit that it has ever knowingly granted "unreasonable clearances"; Fox says that there cannot be such a thing as uniform protection and clearance, because of federal court decisions, and because these terms are the results of negotiations at the time of sale; MGM, although opposed to unreasonable clearances, says that no hard-and-fast rule can be laid down on this matter; RKO, opposes unreasonable protection and clearance, but feels that a uniform system is of doubtful legality; United Artists, believes that uniformity in clearance and protection is fundamentally sound, but fears federal court decisions.

No concession.

(4) Overbuying: Universal says that this is a matter that may be cured only by the exhibitors themselves; to Fox, this is an exhibitor matter; MGM will gladly lend aid for the elimination of this abuse, and believes that conciliation boards can eradicate this evil; RKO says this is primarily an exhibitor problem, but will gladly lend aid; United Artists is decidedly against the practice, but this is an exhibitor matter.

Soothing words, but of no real value, for overbuying is done mostly by the circuits, particularly by the affiliated kind, which are owned by some of the distributors themselves.

No concession.

(5) Unfair Competition Between Theatres: Universal says this is a matter for exhibitors; Fox, same as Universal; MGM will gladly cooperate in the elimination of this abuse; RKO, though it regards this an exhibitor problem, will gladly cooperate; United Artists should like this abuse eliminated, but it considers that it is a problem that must be worked out.

Again, soothing words, but no definite relief. The very person who is asking the distributors to contribute towards the problem's solution was an offender himself, when he was an exhibitor (he is no longer one)

(6) Unfair Non-Theatrical Competition: Universal does not license its pictures to non-theatrical places if they compete with an established theatre; Fox is in accord with the demand and states that it does not license its pictures to non-theatrical places if there should be even a remote possibility of harming a regular account; MGM is in accord with the MPTOA views on this matter; RKO is emphatically opposed to renting its pictures to such accounts if they are in competition with regular exhibitors; United Artists states that its policy has been never to rent

#### "Woman in Distress" with May Robson, Irene Hervey and Dean Jagger

(Columbia, Jan. 17; time, 67 min.)

A fair program melodrama. The action is fast, and for the most part the story is interesting. It is a newspaper yarn, in which two reporters (hero and heroine) get mixed up with racketeers, who had stolen a valuable Rembrandt. One is held in suspense in the situations that show the lives of the two reporters being endangered. The closing scenes are the most exciting. Comedy is provoked by the actions of the two reporters, who are always on the lookout to scoop each other. Their romance is pleasant, but of no importance to the plot:-

Dean Jagger, together with an art expert, is sent by his editor to interview May Robson, a small-town resident, who was supposed to be the owner of an original Reinbrandt, given to her by her youthful sweetheart before his death. Irene Hervey, a reporter on the rival paper, is sent to cover the same story. Jagger's expert declares it to be the original, and Jagger sends the story to his paper. From the time of his visit to Miss Robson to the time of Miss Hervey's arrival with an expert, Douglas Dumbrille, a crook, replaces the original with a copy. Miss Hervey's expert naturally insists that the picture was not an original. Miss Robson, by examining the back of the canvas, finds out that certain markings are not on it, and realizes that her picture had been stolen. In order to help her recover her painting, Miss Hervey takes Miss Robson back to the city with her. Jagger, who was in love with Miss Hervey, warns her that she and Miss Robson are in danger. The gangsters try to kill them, just as Jagger had suspected. But he saves them, and recovers the painting. Miss Hervey decides to give up newspaper work to marry Jagger.

Edwin Olmstead wrote the story, and Albert DeMond the screen play. Lynn Shores directed it and Ralph Cohn produced it. In the cast are George McKay, Gene Morgan, Paul Fix, and others.

Exhibitors may find it unsuitable for children because of the theft and attempted murders. Suitable for adults. Class B.

#### "Man of Affairs" with George Arliss

(Gaumont-British, Jan. 20; time, 71 min.)

This is a typical George Arliss vehicle, in which he, by his diplomacy, saves the British Empire from embarrassment and possibly war. By virtue of the background and theme, it should appeal more to British audiences than to Americans. It is somewhat slow-moving, owing to the fact that the plot is developed by dialogue rather than by action. Mr. Arliss plays a dual role—that of the pompous Secretary of State, and of his easy-going witty twin brother; he handles each role in his usual capable manner. The closing scenes are the best; they hold one in suspense. A mild romance has been added to the story:

While travelling in the Near East, Arliss meets Romilly Lunge, an Englishman. He learns that two native ministers, who had killed the potentate, were trying to put the blame on Lunge, and helps him to escape to London, where he keeps him in hiding. Arliss, realizing that the guilty ministers intended to kill the potentate's son, who was at school in England, goes to see his brother, the Secretary of State (also played by Arliss), and puts the facts before him. But the pompous Secretary refuses to believe that his brother understands diplomatic matters. The guilty ministers arrive in London, intent on gaining concessions by insisting that the potentate had been killed by an Englishman. Arliss knows that, if the Secretary should handle the matter wrongly, England would be plunged into war. With the help of Lunge, he kidnaps the Secretary and forces him to stay at his home while he takes his place at the important meeting. By a ruse, he tricks the ministers into confessing their guilt, thereby proving to the young ruler, who was at the meeting, that England is his friend. The ministers are arrested. His work finished, Arliss decides to leave England; his Secretary brother receives all the credit for his supposed masterful handling of the delicate situation. Lunge decides to remain in London and marry Arliss'

The plot was adapted from the play by Neil Grant. L. DuGarde Peach wrote the screen play. Herbert Mason directed it. In the cast are Renee Ray, Jessie Winter, John Ford, Allan Jeaves, and others.

Suitable for all. Class A.

#### "Black Legion" with Humphrey Bogart, Dick Foran and Erin O'Brien-Moore

(Warner Bros., Jan. 30; time, 82 min.)

A powerful melodrama centering around the activities of a hooded legion; the story has probably been based on the recent exposures in the newspapers relative to such a legion. The same topic was covered in Columbia's "Legion of Terror," but this is far superior both in production and content. Being an extremely horrifying expose of the workings of such an organization, it may prove too strong for most audiences, for, instead of entertaining, it terrifies one. There is no doubt that it points out a good moral lesson and is something that all Americans should see; but whether audiences will feel that they want to be entertained by something as harrowing as this in another thing. One feels pity for Humphrey Bogart when he realizes too late that he had made a mistake in joining the legion. The unhappiness he caused his wife and friends touches one's emotions. The several scenes that show the brutal methods used by the

legion members send shivers down one's spine:—
Bogart, enraged because he had not been given the foreman job at his factory and that it had been given to a bookloving foreigner instead, is impressed by a radio broadcast of a member of a certain legion urging Americans to band together to uphold their rights against foreigners. He goes to a secret meeting and decides to become a member, taking a secret oath to remain loyal to the legion; he is given a hooded uniform and a gun. In company with other members, all dressed in their hooded cloaks, he and the others horsewhip the foreman and his old father, burn down their home, and force them to leave the town. Bogart naturally becomes the new foreman, but is discharged when he is found shirking his duties. His pal (Dick Foran), who had become suspicious of Bogart's actions, is kidnapped by the legion members and taken to a secret meeting place there to be flogged. When he attempts to escape Bogart shoots and kills him. Terror-stricken, he gives himself away in the presence of policemen and is arrested. The legion members try to frame a story for him to tell; but he, realizing the wrong he had done, tells the truth. The other members are arrested and tried with Bogart. They are all given life sentences. Bogart is broken-hearted, realizing that he had ruined not only his life but that of his wife and child.

Robert Lord wrote the story, and Abem Finkel and William W. Haines the screen play. Archie Mayo directed it. In the cast are Ann Sheridan, Dickie Jones, Clifford Soubler, and others.

Not for children. Strong adult fare. Class B.

#### "The Beloved Vagabond" with Maurice Chevalier

(Columbia, Dec. 14; time, 66 min.)

The American public has probably forgotten Maurice Chevalier by this time; and this picture, which was made abroad, will not help him regain his popularity. The plot is trite and the outcome is quite obvious. The photography is bad in some spots:-

Chevalier, an artist, is in love with Betty Stockfield; but her father objects to the match. He learns his extremely wealthy rival (Austin Trevor) that Miss Stockfield's father is desperately in need of money to save him from imprisonment. He feels compelled to give up Miss Stockfield to Trevor in order to save her and her father from disgrace; he leaves without explaining things to her. In company with his youthful protege (Desmond Tester), he travels, leading a carefree life. They meet a young peasant girl (Margaret Lockwood) who is in need of help. They join her in giving outdoor entertainment at cafes, and turn all the earnings over to her. She persists in travelling with them, and they soon find her of great help. She falls in love with Chevalier, but he considers her a child. Miss Stockfield learns from her husband, just before he dies, of Chevalier's sacrifice on her behalf. After his death she seeks out Chevalier and tells him she loves him. They arrange to be married, to the sorrow of Miss Lockwood. Just before the marriage Chevalier realizes that he does not like the social life that Miss Stockfield leads, and leaves her to rejoins his two companions. He declares his love for Miss Lockwood.

The plot was adapted from the novel by W. J. Locke. Hugh Mills, Walter Creighton and Arthur Wimperis wrote the screen play. Kurt Bernhardt directed it. In the cast are Peter Haddon, Charles Carson, and others.
Suitable for all. Class A.

#### "She's Dangerous" with Walter Pidgeon, Tala Birell and Cesar Romero

(Universal, Jan. 24; time, 671/2 min.)

A fair crook program melodrama. It starts off in a way that is similar to "Fifteen Maiden Lane"; but the story, as it develops, is given a new twist and becomes somewhat interesting. The closing scenes are dramatic and hold one in suspense, in spite of the fact that they are extremely far-fetched. One is in sympathy with the heroine, who risks her life to run down a gang of jewel thieves. The excitement is caused by the gang leader's discovery of the heroine's identity. The love interest is pleasant:—

Miss Birell, by pretending to be a crook, forms an alliance with Romero, a clever thief. He falls in love with her and plans to take her on an important job. But he becomes suspicious and follows her to the office of a private detective. He overhears the conversation between them, during which she cautions the detective to be careful of her identification papers because, if she were to be arrested with Romero, the papers would be the only means of proving her inno-cence. When she leaves the office, Romero sneaks in, kills the detective, and takes the papers. He forces Miss Birell to leave on the trip with him and tells her what he had done. They are forced down, meeting with injuries. They are rescued and cared for by Walter Pidgeon, a doctor, who was spending his vacation in the mountains. Pidgeon falls in love with Miss Birell and, when she tells him of her plight, he calls in the Sheriff to arrest Romero; but he insists on taking Miss Birell, too. Being unable to prove her innocence, since Romero had disposed of the papers, she is convicted along with Romero and sentenced to die in the electric chair. By a ruse, Pidgeon compels Romero to confess and to clear Miss Birell's name. Romero goes to the chair, screaming. Pidgeon takes Miss Birell away.

Murry Roth and Ben Ryan wrote the story, and Lionel Hauser and Albert R. Perkins the screen play. Lewis R. Foster and Milton Carruth directed it, and E. M. Asher produced it. In the cast are Walter Brennan, Jonathan Hale, Warren Hymer, and others.

Unsuitable for children. Adult entertainment. Class B.

## "Once a Doctor" with Jean Muir and Donald Woods

(First National, Jan. 23; time, 57 min.)

If it weren't for the good acting of the competent cast, this would be mediocre entertainment, for the plot is familiar and is developed without one novel twist. Every move is so obvious that the spectator knows in advance just what is going to happen and how it will end. The most sympathetic character is Donald Woods, whose altruistic actions get him into trouble. Many of the situations are far-fetched; particularly so is the manner in which Woods is turned out of the medical profession, for it is ridiculous to assume that the word of an incompetent doctor would be taken against that of a serious and competent one. The love interest is mildly pleasant:—

Joseph King, an eminent surgeon, does not know that George Oliver, his doctor son, did not pay much attention to his duties at the hospital and that he drank; Woods, King's foster son, also a doctor at the same hospital, takes the blame for Oliver so as not to hurt King. Oliver goes for an automobile ride with a nurse when he is supposed to be on duty, and gets drunk; he meets with an accident and returns to the hospital so shaken and frightened that he begs Woods to go to the girl's home to take care of her, promising to assume his duties at the hospital. Woods finds the girl dead, and returns to find Oliver drunk and a patient dead because of lack of treatment. Woods is turned out of the medical profession when Oliver puts the blame on him. Henry Kolker, Jean Muir's father, a famous surgeon, believes in Woods and puts him in charge of a clinic as a male nurse. Woods performs an operation against the wishes of King, who had been called to the clinic, and the patient dies. King brings charges against him and he is sentenced to a year imprisonment for practicing without a license. When he is freed, he leaves for Havana, there to start anew. He is called upon to perform a serious operation on King, who had been injured in a quarrel with his son, and saves King's life. Oliver confesses and Woods is cleared. King begs for his forgiveness. Woods, reinstated in the profession, is now able to ask Miss Muir to marry him.

Frank Daugherty and Paul Perez wrote the story, and Robertson White and Ben Grauman Kohn the screen play. William Clemens directed it and Brian Foy produced it.

Morally suitable for all. Class A.

#### "Criminal Lawyer" with Lee Tracy and Margot Grahame

(RKO, Jan. 29; time, 71 min.)

As the title suggests, this picture revolves around the activities of a lawyer engaged in defending criminal cases; it is a fair melodrama, with a good sprinkling of comedy. Lee Tracy enacts the role of the lawyer convincingly and is particularly good in the court room scenes. His actions as District Attorney in prosecuting Eduardo Ciannelli, a criminal whom he had once represented, wins one's admiration, for he sacrifices his own career rather than misuse the powers granted to him as District Attorney. Margot Grahame wins one's sympathy; her unhappiness when Tracy marries another woman touches one. The closing scenes, in which Miss Grahame, in order to save Tracy's career, perjures herselt by testifying falsely, hold one in suspense:—

Tracy, a noted criminal lawyer, does not hesitate to bribe jurors and use other tricks to win acquittals for his infamous clients. While at a night court on a case for his client, he notices the plight of Miss Grahame, who was being framed on a charge of street-walking. He defends her and wins her freedom. When she tells him she is without funds, he gives her a position as his secretaryhousekeeper, and they become good friends. Ciannelli, Tracy's most powerful racketeer client, uses his influence to get Tracy elected District Attorney; he thinks that Tracy will not take his job seriously. But he does, much to Ciannelli's disgust. Betty Lawford, a designing friend of Tracy's, tricks him into marrying her, much to Miss Grahame's sorrow, for she loved Tracy. Ciannelli is arrested on a murder charge and Tracy prosecutes him. Ciannelli compels Miss Grahame, who had been a witness to the murder, to testify falsely, threatening to expose Tracy's past if she did otherwise. But Tracy senses what is wrong and pleads with Miss Grahame to tell the truth; she does. Before Ciannelli can carry out his threats to expose Tracy, he himself confesses in open court about his past perfidies, and throws himself upon the mercy of the court. He leaves the court with Miss Grahame; he tells her that his marriage to Miss Lawford, with whom he had never lived, was being annulled, and that nothing could now keep them apart.

Louis Stevens wrote the story, and C. V. Atwater and Thomas Lennon the screen play. Christy Cabanne directed it and Cliff Reid produced it. In the cast are Erik Rhodes, Frank M. Thomas, and others.

Not suitable for children or adolescents. Class B.

## "Woman-Wise" with Michael Whalen and Rochelle Hudson

(20th Century-Fox, Jan. 22; time, 70 min.)

This will do as fair program entertainment, but neither the story nor the background is particularly novel; it is a combination newspaper-racketeer-sports melodrama. It lacks real entertainment, except for the fight in the closing scenes. The flashes of sports events have been seen too often to attract the spectators. Even the romance is routine, with the unsuspecting hero trying to marry off the girl he loves to some one else without realizing that it is he whom she loves. Michael Whalen wins one's sympathy by his efforts to lend a helping hand to others, even to the point of involving himself. For instance, he exacts cash payments from different sports promoters letting them believe that he was taking graft in return for publicity which he would give them in his column when, in reality, he was using the money to help down-and-out men who at one time had been famous in the sports world. His actions in assuming the blame for Thomas Beck, the publisher's son, who had taken a five thousand dollar bribe to pay his gambling debts when faced with a threat of exposure, should appeal to audiences. His reason for doing this was two-fold; first, his loyalty to his employer, and secondly, his belief that Miss Hudson, his assistant, whom he loved, was in love with Beck. But Beck breaks down and confesses, thereby clearing Whalen, And Miss Hudon's father, a former boxer who was helping Whalen distribute the "graft" money, tells about Whalen's good deeds. Whalen is reinstated on the newspaper from which he had been discharged. He is overjoyed when Miss Hudson tells him she loves him and not Beck.

Mark Kelly wrote the story and Ben Markson the screen play. Allan Dwan directed it and Sol M. Wurtzel produced it. In the cast are Alan Dinehart, Douglas Fowley, Chic Chandler, Astrid Allwyn, and others.

Suitable for all, Class A.

pictures to non-theatrical accounts if they should be in competition with a regular exhibitor.

Somebody must be telling a story, for cases where distributors rented pictures to non-theatrical places with the object in view of compelling a regular exhibitor to capitulate to their terms are too numerous to mention. As a matter of fact, United Artists was once the worst offender. That was, however, before George Schaefer's time; perhaps now United Artists will stand by its promise.

Despite the solemn promises of these five distributors, however, Harrison's Reports is unwilling to believe that most of them will refrain from selling their pictures to non-theatrical places if the regular exhibitors, feeling that they cannot make any profit, will refuse to pay the prices the salesmen may demand. There is no law that could compel the distributors to carry out their promises if they should not want to.

(7) Short Form of Exhibition Contract: Because of court decisions, Universal fears that an attempt to put into force a short contract embodying all the provisions of the long contract even by reference is dangerous; and so feels 20th Century-Fox; MGM is agreeable to such a suggestion, and states that its legal department is now working on such an idea; RKO feels that a short form of contract is inadvisable, evidently because of the court decisions, but it agrees that the shortening of the contract is desirable; United Artists feels that a short contract is an excellent idea but fears the courts.

Even though all five major distributors agree that a short form of contract would be a good thing, no such contract can be given to the exhibitors on account of court decisions; therefore we may say that no improvement over the present situation is offered.

- (8) Score Charges: Universal says that it has not been collecting score for years, and for this reason we may consider that no concession has been made because of the MPTOA demands; Fox will not eliminate the score charge; MGM will not eliminate the score charge, stating (the letter was sent by Al Lichtman) that the request for the elimination of the score charge is in effect a request for lower film rentals; RKO says that this is a matter of negotiation between the exhibitor and the exchange, and in view of the fact that this has always been the policy of the company we may safely say that no concession has been granted. (In accordance with the figures printed in Harrison's Digest early this season, out of 116 exhibitors who had bought RKO products, fifty per cent did not pay for score, approximately twenty per cent paid only on flat rental pictures but not on percentage, and a few paid on percentage pictures but not on flat rentals); United Artists will, beginning the 1937-38 season, abolish the score charge entirely. (In the figures printed in Harrison's Digest, out of 47 exhibitors who had bought United Artists product, 37 said that they did not pay for score, and 9 only on flat rental pictures. Only one exhibitor paid for score on all United Artists pictures. Consequently, there is hardly any concession on this point. Yet when one bears in mind that the other distributors conceded nothing, one is compelled to admit that this company has so far made the greatest concession.)
- (9) Designated Play-Dates on undelivered pictures: Universal welcomes any feasible method that will satisfy the exhibitor and at the same time assure Universal a fair share of the exhibitor's preferred playing time (no concession); Fox does not promise the elimination of the preferred playing time demand on meritorious product, but will try not to be obnoxious (no concession); MGM considers the demand "not now well grounded," for it feels that with the adoption of the production code all pictures are now appropriate for exhibition on any day of the week, "and surely quality pictures are entitled to preferred play-dates"—(Evidently Mr. Lichtman has confused the issue; the prevailing exhibitor sentiment against preferred playing time is not caused by any such idea as unsuitability of pictures on certain days of the week, but by the fact that the actual percentage of receipts granted to the distributor when his pictures are shown on the best days of the week amounts to double the percentage called for by the contract. With his best days gone, the worst days do not bring the exhibitor enough revenue to pay even the cost of operation, and he is compelled to count on whatever share he gets from the preferred days to cover the losses on the bad days-no concession); RKO says that this is a matter of

negotiation between exhibitor and exchange (no concession); United Artists finds it impossible to forego the practice of demanding preferred playing time, but offers soft and sympathetic words (no concession).

(10) Forcing Excessive Shorts with Features: Universal does not indulge in this practice (for this reason Kuykendall cannot claim any concession on this point); Twentieth Century-Fox states the following: "It has never been the practice of this company to force shorts with features. As a practical matter of distribution they are sold at the same time, but under separate agreement. We do feel that if our feature product is desired by an exhibitor we are justified in insisting upon the same percentage of his short subject playing time as we receive of his feature playing time. (Contradictory, indeed, is this statement by the head of Twentieth Century-Fox; they have not made it a practice to force shorts with features, Kent says, 'but if an exhibitor wants our features he must give us a certain percentage of his playing time for shorts; but we give him these shorts on a separate contract.' Beat that if you can!-Kent must be a sophist in good standing-no concession, but a brazen admission that the forcing of excessive shorts with features will continue unabated); MGM (Lichtman) is very benevolent, for he says, in effect: "We insist that the exhibitor purchase shorts only because of our desire to benefit him; knowing that he needs shorts to balance his program, MGM goes out of its way to provide him with them. In doing so, we benefit him in another way—we make double features more difficult if not impossible." And to show his fine intentions toward the poor down-trodden exhibitor further, Lichtman says that MGM is selling single as wellas double reel shorts-single reels for those who are double-featuring (like Loew's Mayfair, in New York, for example, and other Loew theatres), and two reel shorts for those who show single features. Did Mr. Lichtman think he was making an after-dinner speech when he was dictating his letter?

No concession. On the contrary, an admission that the forcing of excessive shorts will continue.

After reading this analysis you will, I am sure, come to the same conclusions to which I have come—that there has been not a single concession made by the producers to remove the industry abuses. You will, therefore, feel the necessity more than ever of going ahead with the legislative program that has been outlined by Allied States Association.

When the hearings were held before the House and Senate committees over the Neely-Pettengil Bill last winter, Charles Pettijohn and Ed. Kuykendall stated to the committees that, if whatever abuses exist in the motion picture industry were brought out in the open, they would certainly be corrected, proposing conferences between Kuykendall and producer executives. As a matter of fact, the members of the committees were assured that, if action on the Bill were suspended, all abuses would be corrected in no time.

Since then, Kuykendall has been trying to induce the producers to grant some concessions and thus place themselves in an advantageous position should the Neely-Pettengil Bill be taken up again, or should any other legislation be introduced with the correcting of industry abuses as the object. But the producers, feeling confident that Roosevelt had, as said, no chance at re-election, ignored the recommendations of Kuykendall, even though he had the backing of the Hays Association itself. But Mr. Roosevelt has been reelected, and the producers, in order to make a show of fairness, are now granting what may appear to be concessions.

The thing to bear in mind should be this: If the producers will not voluntarily grant substantial concessions when the trend of the Government in Washington is toward the protection of the little fellow from the ravages of big business, they will surely grant no worth-while concessions under any circumstances. The efforts to bring about reforms by legislation, then, become necessary.

Money is needed by the Allied States Exhibitor Defense Committee to carry out its program; you should, therefore, do your part by sending a check to Mr. James Ritter, treasurer, in care of Rivoli Theatre, Detroit, Michigan. The charge to each exhibitor who wishes to contribute is based on a minimum of ten cents a seat, to be paid either at once or in ten equal monthly installments. The sky is the limit if an exhibitor wishes to contribute more.

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#### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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### The Motive Behind the MPTOA December Bulletin

In dealing with the December seven Bulletin of Motion Picture Theatre Owners of America in the January sixteen issue of Harrison's Reports, I stated in the second paragraph partly the following:

"The Bulletin was written by some one who knew the effect of propaganda."

What gave me that idea was the fact that, on the front page, the two subjects discussed are legislation and discriminatory taxation. These are followed by a paragraph headed by, "Need For Realistic Thinking by Exhibitors."

Certainly the contents of that Bulletin were not written by the person whose signature they bear—Ed. Kuykendall; he does not have to write them, for he has probably at his disposal, furnished his organization by the producers, most efficient press agents, whose business is to do whatever writing is needed, and whatever publicity work is required.

At one time, the press agent they furnished MPTOA was Tony Muto, a "crack" reporter for the now defunct New York World. His work was so good that it attracted the attention of even Benito Mussolini, if we are to judge by the fact that Mr. Mussolini sent for him and made him Director of Publicity for the National Italian Railways, a post he held until he trained his successor. (Mr. Muto is now attached to the staff of the Washhington branch of the Hays Association.)

I don't know who has been assigned now to do the propaganda work for MPTOA, but whoever he is he certainly knows his business.

Just to prove to you how well he knows his work, let me bring in an illustration by way of analogy:

In Shakespeare's "Julius Caesar," Brutus murders Caesar because he was too ambitious. Mark Antony, who was Caesar's bosom friend, felt that there was no justification for the murder of his friend.

But for him to come right out and tell this to the Romans would be of no use, for they so believed in Brutus that they were in no mood to listen to anything derogatory against him. Consequently, in order for him to gain a hearing and so get an opportunity to deliver his message, he started his oration by praising Brutus. But before he finished his oration, the Romans were ready to tear Brutus apart: by first telling them what they wanted to hear, he won their sympathetic attention, and thus was able to paint Brutus in his true colors.

Similar is the pattern that the writer of the MPTOA Bulletin has followed. Only that, instead of dealing with persons first, he dealt with issues. But his object was the same—to win the sympathy of the readers of the Bulletin first, and thus be able to deliver his message.

What was his real message?

That the Allied leaders are, in his opinion, selfish persons; therefore they are proposing "spite legislation" for only one purpose—to "harass and damage the producers and distributors of motion pictures." For him to come out and say so, it would be futile, for the sympathy of the independent exhibitor is naturally with those who represent truly independent exhibitors. But, knowing that these exhibitors become frightened whenever they hear that either general legislation adverse to the motion picture industry, or the taxing of the admission prices, is contemplated, he began his article by discussing legislation and discriminatory taxation.

Under the heading, "Legislation," he tells the reader how many state legislatures have gone, or are about to go, into regular session, and how eager are many of the legislators to levy additional taxes to provide for old-age persions, as well as for interest and sinking fund charges on relief bonds, whereas under the heading, "Discriminatory Taxes On

Theatres," he points out how great is the danger of taxing admission prices at least ten cents. He follows his observations on these two subjects, under the heading "Need For Realistic Thinking by Exhibitors," with the comment that, if the industry has ever needed an "organized, united and alert defense against unfair and discriminatory taxation, it certainly will" need it "during the next few months." Thus he, by first winning the sympathetic interest of the exhibitors, and then by frightening them, sought to deliver his real message, with the hope that it would "stick."

In order to make his message more effective, he first sought to undermine the Allied leaders, by calling them "a small organized faction of self-styled 'independent exhibitors," branding their legislative efforts to bring to the independent exhibitor relief "Dangerous Proposals"; he follows these up with a paragraph headed, "Do We Want Local Censorship?," and then brings forward the trade practice reforms MPTOA has obtained from the producers, which were proved in last week's HARRISON'S REPORTS to be nothing but soap bubbles. He tapers his article off with two paragraphs headed: "Practical and Immediate Benefits Rather Than Proposals for Phoney Legislation."

But the writer makes just one little mistake that brings his real motive out too clearly: In the paragraph that is headed with, "Spite Legislation," he says that, the legislative efforts of this small organized faction of self-styled "independent exhibitors" will "harass and damage" not the independent exhibitors, but "the producers and distributors of motion pictures." Thus you see that the Bulletin was written with the purpose of protecting the producers and distributors, and not the independent exhibitors.

And herein is where this brilliant writer of the contents of the Bulletin has fallen into an error that neutralizes the effect of his propaganda. Any other writer would have concealed his real motive by attributing to the legislative program of the Allied leaders a destructiveness to the interests, not of the "producers and distributors of motion pictures," but of the independent exhibitors; or, at least, of the entire industry. Had he done so, he would have had a better opportunity of making his Shakespearian style to the subject's approach effective.

Another serious error he falls into is this: Under the heading, "Are We Leading With Our Chin?" he says:

"But before the exhibitor falls for the glib talk of these promoters who seek to line their own pockets out of such agitation but who do not give a hoot whether the law works out to the benefit of the theatre owners or not, as they have no important theatres of their own to worry about, he should give the whole plan careful and personal study."

If I know anything about the English language, I take this to mean that the exhibitors should pay no attention to any exhibitor who appeals to them for common action to preserve their investments, if the plea-making exhibitor does not own important theatres; but they should heed the pleas of such exhibitors as Warner Bros., Paramount, Twentieth Century-Fox and the other theatre owning producers, because they own important theatres.

I am sure that no such meaning was intended by the author; his meaning probably was that exhibitors should not listen to Messrs. Myers and Richey as having no right to appeal to the exhibitors for the support of their legislative program, because they do not own theatres, and that, on the contrary, they should listen to—whom? Who are the fellows they should listen to? Kuykendall? Palfreyman? Pettijohn? In his January 6 release on behalf of Allied States Association, Mr. Abram F. Myers put it right when he said that these three own as many theatres as the combined Irish, Jewish and Swiss navies have battleships.

#### "Larceny on the Air" with Robert Livingston and Grace Bradley

(Republic, January 11; time, 61 min.)

A fair action melodrama. In spite of the fact that the plot lacks novelty, it should appeal to the regular picture-goer, for the action moves at a pretty fast and at times ex-citing pace. It is particularly thrilling in the closing scenes, where the hero's life is endangered by the villain. One is in sympathy with the horo, whose crusading spirit leads him into many dangerous situations. The love interest is

mildly pleasant: Robert Livingston, a young physician, neglects his private practice to fight, via the radio, the manufacturers of fake patent medicines that contained radium. He is forced off the air by the manufacturers, who are financially able to buy his time and all other available time on the radio. He finds a man dying from the effects of poisoning and learns that he had been using the patent medicine. He puts him in a hospital, hoping to prove his case with this patient. Pierre Watkin, leader of the gang of fake medicine manufacturers, has his men kidnap the patient. Livingston becomes an innocent victim of a blackmailing medical journal, which was published by Grace Bradley, her father, and an assistant. He eventually finds out about this but, having fallen in love with Miss Bradley, forgives her. Her father, however, promises to go straight. Livingston decides to trap the manufacturers by pretending to join their side. Eventually he finds his patient and collects all the information he needs to indict Watkin and his gang. Miss Bradley is happy to know that Livingston had never really belonged to the racketeering gang.

Richard English wrote the story, and Andre Bohem and Richard English the screen play. Irving Pichel directed it and Sol C. Siegel produced it. In the cast are Willard Robertson, Smiley Burnette, Granville Bates, and others.

Suitable for all. Class A.

#### "Join the Marines" with Paul Kelly and June Travis

(Republic, January 25; time, 681/2 min.)

Pretty good entertainment. It is a fast-moving action comedy, with plenty of laughs and exciting situations. The romance, too, is developed in a breezy manner, the lovers meeting with many disappointments until they are united. In spite of the fact that the story is somewhat far-fetched, one's attention is held to the end, because the action never lags. One is in sympathy with the hero, who is led a merry

chase before he finally wins the heroine:-Kelly, a policeman on his way to Europe to compete in the Olympics, accidentally becomes involved in Miss Travis' love troubles. He stops her from marrying Reginald Denny, her intoxicated shipboard companion, after learning that her father, a U. S. Marine Commander, was against the marriage. In order to get even with him she involves him in a drunken brawl. He is removed from the Olympic team and is ordered to return to the United States. Miss Travis follows him, sorry for what she had done; they fall in love with each other. She tells Kelly that, before she can marry him, he must obtain a position. Thinking that he would please both her and her father, he joins the Marines, not knowing that Miss Travis had vowed never to marry a man in uniform. He distinguishes himself in the service in the South Sea Islands and is promoted. Immediately after his promotion he resigns, his intention being to marry Miss Travis. But she had changed her mind and wanted him to remain a Marine; he refuses to rejoin and they part. He rushes back to the island in time to prevent a native uprising; he withdraws his resignation and finally wins Miss Travis as his bride.

Karl Brown wrote the story, and Joseph Krumgold and Olive Cooper the screen play; Ralph Staub directed it and Joseph Krumgold produced it. In the cast are Purnell Pratt, Warren Hymer, and others.

Suitable for all. Class A.

#### "Broken Blossoms" with Dolly Haas and Emlyn Williams

(Imperial Pictures, January 13; running time, 84 min.) This is a British remake of the picture first produced by D. W. Griffith. Like in the first version, it is not very cheerful entertainment, for most of the story is concerned with the sadistic actions of a bully towards his fragile daughter. But it is the type of story that tears at the heartstrings and, on more than one occasion, brings tears to the eyes. As far as the modern picture-goer is concerned, the attraction will be in the acting and not in the story. Dolly Haas, in the part of the mistreated daughter, gives a marvelous performance; she makes a role that might have been burlesqued in the hands of some one else seem believable and tragic. One is in deep sympathy with her throughout; her suffering and pitiful death in the end touches one deeply. The background is that of the London Limehouse district:

Miss Haas, who had known only brutal treatment from her father (Arthur Margetson), a bully, is found by a sensitive young Chinaman (Emlyn Williams) after a terrible beating from her father. He takes her to his home, where he cares for her and worships her. Her gratefulness towards him ripens into love. Margetson eventually learns where she was staying and determines to kill her for having disgraced him by living with a Chinaman. He watches for the Chinaman to leave the house; he then enters and kills her. When the Chinaman returns and finds his loved one dead, he is grief-stricken; he rushes after the father and kills him.

The plot was adapted from the story "The Chink and the Child," by Thomas Burke. Emlyn Williams wrote the adaptation. Hans Brahm directed it and Julius Hagen produced it. In the cast are Ernest Sefton, C. V. France—

It is too brutal for children and adolescents. Adult entertainment, Excellent for high-class trade. Suitability

#### "The Holy Terror" with Jane Withers

(20th Century-Fox, February 5; time, 67 min.)
This is decidedly inferior to some of the pictures that Jane Withers has appeared in; it is suitable mostly for children. She sings and dances well and displays a good comedy sense, but the story is trite and far-fetched, and is developed in an uninteresting manner; the dialogue is silly too. It is all right when it sticks to the musical numbers, which are of the popular variety; but when the music stops, the spectator becomes restless, because of the triteness of the plot's development. The closing scenes are the best; they provide the only excitement. A love affair is interwoven into the plot but it is of minor importance:—

John Eldredge, a naval officer, warns Jane, his daughter, that unless she behaves herself, she will not be permitted to live with him at his quarters. Jane tries to be good but somehow, against her wishes, she gets into trouble. Jane tries to further the romance between Anthony Martin, her favorite sailor, and Leah Ray, owner of a cafe frequented by the sailors. But a fight, started by henchmen of spies who wanted Miss Ray to lose her lease so that they might make the place their headquarters for spying, causes the navy chief to cancel the lease. The spies move into the deserted cafe and, by the use of a powerful lens, are able to photograph all the work done on a new government plane. Jane discovers their presence at the cafe, where she had gone with Miss Ray, who had won back her lease. She calls together all her sailor friends, who arrive in time to overpower the spies and arrest them. Jane receives a miniature aeroplane from the commanding officer for her good work. Miss Ray accepts Martin's marriage proposal.

Lou Breslow and John Patrick wrote the original screen

play. James Tinling directed it and John Stone produced it. In the cast are El Brendel, Joe Lewis, Gloria Roy, and

others.

Morally suitable for all. Class A.

#### "Secret Valley" with Richard Arlen and Virginia Grey

(20th Century-Fox, January 15; time, 56½ min.) An average program Western, with plentiful action. The thrills are caused by the encounters between the hero and gangsters; they engage in several exciting fist fights. Willie Fung, as Arlen's Chinese cook, provokes many laughs by his use of slang expressions; he is particularly amusing when he sings a cowboy song in his broken-English fashion and off-key. As for the romance, it is developed in the

routine manner:-

Virginia Grey, after a two hour marriage to Willis, discovers that he is a gangster and not a business man and runs away. Arriving in Reno, she consults Jack Mulhall, a lawyer, about a divorce. Mulhall, fearing for her safety, sends her to Arlen's ranch so that if Willis should arrive in Reno he would not be able to locate her. Arlen, not knowing anything about her case, accepts her as a boarder. At first he resents her presence because she interferes with his work, but gradually he grows fond of her. Through Russell Hicks, a crooked lawyer who was trying to cheat Arlen out of his ranch, Willis learns of Miss Grey's presence at the ranch. Miss Grey pays off Arlen's debt to Hicks, without telling him anything about it. Willis sees Miss Grey and warns her that, if she refused to leave with him, he would kill Arlen. But Arlen outwits Willis and his gang, who were wanted by federal agents. Willis is killed in attempting to escape. Arlen and Miss Grey marry.

Harold Bell Wright wrote the story, and Dan Jarrett, Earle Snell and Paul Franklin the screen play; Howard Bretherton directed it, and Sol Lesser produced it. In the cast are Sid Saylor, Maude Allen, and others. Suitable for all. Class A.

#### "Bulldog Drummond Escapes" with Ray Milland and Heather Angel

(Paramount, January 22; running time, 66 min.) The plot in this version of the "Bulldog Drummond" series resembles its predecessors—it is a wild, fantastic, and somewhat old-fashioned melodrama, of the type to amuse the rank and file. It holds one in suspense, owing to the exciting situations Ray Milland (Drummond) gets himself into. Though the plot is far-fetched, one's attention is held fairly well, for the action is fast throughoutat times it is laugh-provoking, while at other times thrilling. Intelligent people may, however, find it somewhat ridiculous. Milland's romance with Heather Angel, the

girl for whom he risks his life, is pleasant :-

Milland returns to England, and soon after his arrival he becomes involved in a mysterious case revolving around Miss Angel. Believing that she was being held against her will by Porter Hall and his friends, he goes to Sir Guy Standing, Scotland Yard Inspector, and insists that he help Miss Angel. Standing, professing to be annoyed at Milland's melodramatic theories, tells him that Hall is a good friend of his, But Milland persists in continuing the investigation on his own. He sneaks into the house to see Miss Angel; she tells him Hall had murdered her brother, and that he was holding her prisoner. Milland is captured by Hall and his men and taken to the basement. Hall tells him that he and his friends were counterfeiters, and that they had killed Miss Angel's brother because he knew too much. Just as they are about to shoot Milland, Standing arrives with the police. He tells Milland he knew all along about Hall's activities, but he had decided to let Milland continue on the case in his own way. Miss Angel accepts Milland's marriage proposal.

H. C. McNeile and Gerard Fairlie wrote the story, and Edward T. Lowe the screen play. James Hogan directed it. In the cast are Reginald Denny, E. E. Clive, and others.

Suitable for all. Class A.

#### "Under Cover of Night" with Edmund Lowe, Florence Rice and Henry Daniell

(MGM, January 8; running time, 71 min.)

A pretty good murder melodrama. It borders somewhat on the horror type of picture, because of the number of murders and of the manner in which these are committed. The fact that the audience knows from the beginning who the murderer is gives the picture a novel twist. The interest, therefore, is concentrated in watching the methods employed to trap him. One is held in tense suspense in the closing scenes. There are a few good comedy bits and a

pleasant romance:-

Henry Daniell, professor of physics, has hopes of being appointed head of his college department upon the retirement of Harry Davenport. Every one considered him a brilliant scientist, because none knew that all the research work was being done by his wife (Sara Haden). She had evolved for Daniell a certain scientific theory that would bring him fame. She refuses to turn over to him the book that contained the calculations and the summary unless he broke up his affair with his secretary (Marla Shelton). Knowing that his wife had a weak heart, Daniell frightens her and she dies; he then searches for the book. Not finding it, he decides that Miss Haden must have given it to some other member of the physics department. In his attempts to find the book, he kills three other persons, and then tries to put the blame on Dean Jagger, another member of his department. Florence Rice finds the book, which had been put in her coat pocket by Miss Haden by mistake. She goes to see Daniell to turn it over to him. While talking to him she realizes that he is the murderer. He tries to kill ther, but is prevented by the timely arrival of Edmund Lowe, who had been investigating the different murders and had come to the conclusion that Daniell was the murderer. Jagger is happy to find Miss Rice, whom he loved,

Bertram Millhauser wrote the story and screen play; George B. Seitz directed it and Lucien Hubbard and Ned Marin produced it. In the cast are Nat Pendleton, Frank Reicher, Henry Kolker, and others.

Unsuitable for children and adolescents. Adult entertainment, Class B.

#### "The Woman Alone" with Sylvia Sidney and Oscar Homolka

(Gaumont-British, January 1; time, 741/2 min.)

thrilling melodrama; it should appeal particularly to intelligent audiences. The one drawback, as far as the masses are concerned, is the slow-paced action. Otherwise, the story is extremely interesting and holds one in tense suspense throughout. Alfred Hitchcock, who will be remembered for his direction of "39 Steps" and "Secret Agent," again shows his skill in building up a situation to a tense climax. The scenes that show young Desmond Tester walking through the London streets, unaware that he was carrying a bomb that had been set to explode at a certain time, are directed expertly; nothing with so much power has been seen in a long time. Another equally dramatic situation is that in which Sylvia Sidney, heartbroken at her brother's death, which was caused by her husband (Oscar Homolka), is shown looking at a bread knife; one understands that her desire is to kill her husband. The romantic interest is of slight importance:

Miss Sidney and Homolka operate a small motion picture theatre in London. She is grateful to Homolka, whom she does not love, for being kind to Desmond, her young brother, who lives with them. She is unaware of the fact that her husband had been working with foreign agents and had been committing acts of sabotage on government property. John Loder, a Scotland Yard agent, posing as a clerk in a fruit store adjoining the theatre, was watching Homolka's actions. Homolka, realizing that he was watched, sends Desmond to deliver a bomb-containing package to a certain crowded spot. Desmond is delayed because of a parade and boards a bus; the bomb explodes, blowing up the bus, and killing Desmond and the other passengers. Homolka tells Miss Sidney that he is sorry but this does not console her. In an attempt to take away a bread knife she was holding, knowing that her intention was to kill him, Homolka is stabbed and dies. Miss Sidney confesses to Loder and he pleads with her not to say anything. Homolka's co-worker, maker of the bomb, resisting arrest, blows up the theatre; the evidence of how Homolka had died is, therefore, covered up. Miss Sidney accepts Loder's sympathy and love.

The plot was adapted from a story by Joseph Conrad. Charles Bennett wrote the screen play. In the cast are Joyce Barbour, William Dewhurst, and others.

It may be a little strong for children. Good for adults. Class B.

#### "The Bold Caballero" with Robert Livingston and Heather Angel

(Republic, January 18; time, 71 min.)

If there were any entertaining values in the story, they have been killed by the atrocious color; the faces are grotesque, and the outlines of the bodies fringed. As to the outdoor scenes, which ordinarily bear much punishment from overcoloring, even these are unpleasant to behold, for the different colors run wild, one having no regard for the rights of the other. As to the story, it seems to have no effect: the acts of the sympathetic characters do not seem to touch one's heartstrings. For one thing, the picture seems to have been miscast; for another, the direction has "missed."

A similar story was put into pictures once before, by Douglas Fairbanks, who took the part of Zoro, the gallant Spaniard, who tried to protect the peons from the injustices of a cruel Spanish official. In this instance, a new Governor arrives, but the old Commandante has him killed and contrives to have the dead man's daughter (heroine) believe that the murder had been committed by Zoro (hero), the idol of the Indians, but the terror of the wrongdoers. The heroine, who upon the death of her father had become the Governor, orders that Zoro be caught. All the while Zoro had been masquerading as a fob and serving the heroine. In the end, Zoro is able to prove to the heroine that the crimes against the Indians were committed, not by "Zoro," but the Commandante and his henchmen. Zoro so brings things about that right eventually triumphs. He saves the heroine from the hands of the Commandante, who was forcing her to marry him, and the Commandante pays the price for his misdeeds.

Wells Root wrote the screen play and did the direction; Albert W. Levoy produced it. Sig Rumann, Ian Wolfe, Robert Warwick, Emily Fitzroy, Walter Long and others are in the supporting cast.

There is nothing morally objectionable in it. And from this point of view, the picture is suitable for the entire family, Class A.

I shall not discuss the question whether Messrs. Myers and Richey are or are not entitled to speak for the independent exhibitors; the fact that the independent exhibitors continue to have faith in their judgment, proving it by maintaining them in the positions they have occupied for many, many years, is the best answer that can be given; but I do intend to discuss another matter:

In the paragraph that has just been quoted there is said, "these promoters who seek to line their pockets out of such agitation."

I shall not attribute to the writer of this statement a desire to avoid entanglements as the reason for his failure to make his meaning crystal-clear: for the purpose of the present analysis, I shall take it to mean merely that the "promoters," whomever he has in mind, seek to profit from such an agitation. If that is the case, then I take it to mean that Messrs. Kuykendall, Palfreyman and Pettijohn, who are the representatives of the objectors to the Allied legislative program, are not receiving a cent for their work: Pettijohn is not receiving from the Hays Association several thousand dollars a year; Palfreyman does not get a substantial salary and expenses, and poor Ed. Kuykendall is doing all this work for his health.

Hasn't the imitator of Shakespeare's style again fallen into a serious error?

Under the heading, "Exhibition Can Be Regulated Just As Easily As Distribution," the writer says:

"More and more legislatures everywhere itch to regulate all business by statutes and commissions. If we want government regulation, these are the things that invite it. In the face of the regulation of the liquor business the latest proposal of this faction to regulate theatre operation is that it should be done like the booze business."

So our good friend, the writer of the Bulletin, was aroused a bit, for in treating with this subject he showed some irritation, proving that legislation intended to separate exhibition from production and distribution is not a pleasant subject for those who paid him to do the writing.

But in employing the "government control" bugaboo to frighten the exhibitors into deserting the Exhibitor Defense Committee, which is guiding the movement that is intended to bring about the divorcement of exhibition from production distribution, he is a bit out of date—old-fashioned, so to speak. There was a time when many exhibitors became somewhat frightened when anyone proposed legislation for the correction of industry abuses; but that time is gone forever, for since March, 1933, every American citizen has become more or less accustomed to Government interference in business.

Few people, for example, object to "Government Regulation" brought about by the Social Security Act, which taxes the employer for the benefit of the employed.

The Exchange Security Act, which compels the stock promoters to tell the truth about the assets of their companies before being allowed to sell such stock is, indeed, "Government Control" of the worst kind: would the author of this pamphlet have this law repealed so that the fake promoters might continue to fleece the innocent public, bringing about conditions such as those of October, 1929?

The regulation of the railroads by the Interstate Commerce Commission is, indeed, very much "Government Regulation" of the railroad business; but every one knows how necessary it is.

The Anti-Trust Laws, too, is Government interference with business; but none except a person seeking to gain a monopoly of a particular business will object to their enforcement.

The Marine business is regulated by the Government. As a matter of fact, the Slocum, Vestris, Morro, and other disasters, in which thousands of people, men, women, and children, were either burned alive or drowned, proved that there is not enough government regulation, and that a greater supervision is needed to prevent a repetition of them. Would this person object to such "Government Control," recommending the former state of affairs?

New York State, like every other state in the Union, has on its statute books legislation regulating the bottling, shipping, distribution and retailing of milk—these laws were made necessary by the fact that, when there was no regulation, the conditions under which the milk business was conducted were so rotten that thousands of babies were dying each year. Will the composer of the MPTOA Bulletin object to such an interference with the milk business by the state governments?

In our own business, the different state governments as well as the cities have certain laws or city ordinances prescribing under what conditions a theatre owner should conduct his theatre. The width of the aisles is prescribed by law; the number of seats, the manner by which these should be placed, the ventilation, the projection room, the stage, and almost every appliance used in the theatre is regulated by either state law or city ordinance. Would this person have all these regulations repealed, so that we might have a repetition of the disasters in which thousands of people were burned alive in theatre fires when there were no such regulations in force?

I could on citing almost every business where Government control is required not only for the safety of the people who have dealings with it, but also for their welfare. But I believe I have cited enough to prove how foolish is he in employing this bugaboo to frighten the independent exhibitors into opposing legislation intended to put an end to the depredations of the big fellows.

And do the majority of the American people approve of such a control? Is it necessary for this paper to remind the author of that Bulletin what happened last November?

#### EARLY SELLING OF PICTURES

At the meeting of the Board of Directors last week in Baltimore, the date of the annual Allied Convention was set for the first week of May, in Milwaukee,

The reason for the early date is the belief of the Allied leaders that the producers will start selling their pictures very early; and they know from experience that early selling means higher prices than the pictures deserve. A resolution was passed to send out a warning to the exhibitors not to buy their pictures early, but to wait.

### THE NEELY-PETTENGILL BILL REINTRODUCED IN CONGRESS

The Neely-Pettengill Bill, framed so as to outlaw compulsory block-booking and blind-selling of motion pictures, has been reintroduced in Congress. In the Senate it appears as S. 153, and in the House of Representatives as H. R. 1669.

As soon as you read this, start doing your best for the Bill. Communicate with the Representative from your district and the Senator from your state, urging them to support this Bill. At the same time call upon or write to all prominent persons in your town, particularly to the heads of all civic, fraternal, or religious organizations, requesting them to write to your state Senators as well as to the members of the House of Representatives, requesting them to support the bill when it comes up for vote.

I have asked some of the Allied Leaders whether the Bill has a chance to become a law at this session of Congress and was assured by them that its chances are the brightest since the day the organization undertook to effect the correction of the block-booking and blind-selling abuses by legislation.

And just because the chances of the Neely-Pettengill Bill seem bright there is no reason for you to lie down; this is the time when you should exert your greatest efforts, to prevent some last minute slip-up."

# OF THE EXHIBITOR DEFENSE COMMITTEE

I have been informed reliably that, of the states where bills will be introduced to bring about the separation of exhibition from production, Michigan will be the one state where the greatest exhibitor efforts will be exerted. And the reason for it is the fact that Michigan has one of the most powerful organizations in the country, thanks to the efficiency of Mr. Richey.

Mr. Richey should certainly feel proud for the recognition his state is getting.

As to whether Michigan will come through or not, this paper wishes to assure you that there is not the least doubt that it will come through. The Michigan exhibitors have always come through for the exhibitor cause.

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#### PETTIJOHN'S FRIENDLY COMPLAINT ON A SUPPOSED INACCURACY

Mr. Charles C. Pettijohn, of the Hays office, has sent me the following letter:

"Dear Pete:

"Your January 23rd issue was called to my attention this morning. In the fourth from the last paragraph on the last page, p. 16, there is a statement which is inaccurate.

"I am sending you with this letter a complete copy of the record of the Hearings before the Subcommittee of the House Interstate and Foreign Affairs Committee, held March 9th to 26th last year. I have marked pages 366, 367, and 370, so that you may see exactly what was said by me on the subject referred to in that paragraph of your Reports.

"Inasmuch as an offical record was made, let's quote from the record"

Mr. Pettijohn is right: let us quote from the record.

On pages 366 and 367, which Charlie marked for my convenience, he makes no statement of any kind; the statements there are made by Ed Kuykendall. What he said on page 370 is not so important, and is a continuation of what he said on the previous page, 369. It is what he said on page 369 that has a direct bearing on the statement I made in the January 23 issue of Harrison's Reports.

Here is the editorial paragraph complained of:

"When the hearings were held before the House and Senate Committees over the Neely-Pettengill Bill last winter, Charles Pettijohn and Ed Kuykendall stated to the committees that, if whatever abuses exist in the motion picture industry were brought out in the open, they would certainly be corrected, proposing conferences between Kuykendall and producer executives. As a matter of fact, the members of the committees were assured that, if action on the Bill were suspended, all abuses would be corrected in no time."

The following is what Pettijohn said to the members of the House Subcommittee, taken word for word from the record:

"Mr. Pettijohn: Mr. Kuykendall stated that he had been assured by the producers and distributors of pictures that they could sit down and iron out their troubles in a roundtable discussion, and I do not want this committee to have the idea that I have made any assurances to Mr. Kuykendall or that when it comes to the 20-per cent cancellation clause, that matter can be disposed of.

"Mr. Kuykendall says, at the same time, that the 10-per cent cancellation clause was intended so that the exhibitor could cancel a bad picture or pictures that were not thought fit, from a moral or social standpoint for the community. That 10-per cent clause has now become a matter of trading; so pictures can be shifted around.

"Now, those are things that can be settled within the industry and I will make this assurance to this committee that I do not think there will be any trouble, as there has never been, in ironing out 90 per cent of the difficulties within the industry. We have done it before, and that is a pretty fair batting average for any industry, and these conferences within the industry will continue to take place without the necessity of any legislation, and I can assure you gentlemen that is what will be done through conferences...."

Because of the fact that the hearings before the Senate Subcommittee have not been printed, I cannot give you extracts from his testimony before that body, but by this statement of his before the House Subcommittee he said, in accordance with my understanding, that:

- (1) Kuykendall had told the Committee that the producers would sit down with exhibitors in round-table discussions and iron out their troubles.
- (2) He made the members of the Subcommittee understand that he himself had not given Kuykendall any assurances to that effect, and that when it came to the question of allowing the exhibitor to cancel twenty per cent of the pictures instead of ten per cent the matter cannot be disposed of so easily.
- (3) He, Pettijohn, stated to the Subcommittee that the troubles between the exhibitors and producers could be settled within the industry, and gave them the assurance that, in his opinion, (a) there would be no trouble, as there had never been, in ironing out ninety per cent of the difficulties within the industry—it was done before; (b) conferences to iron out the troubles would continue to take place, and for this reason there was no need for legislation, assuring the Subcommittee members that this, that is, the settling of ninety per cent of the industry disputes, would be done through conferences, and not through any law.

In the face of these statements and assurances of his to the House Subcommittee, how can he object to what I said in HARRISON'S REPORTS?

The only justification for a complaint he may have is my statement that "all" the troubles could be settled, whereas he said only ninety per cent of them. For this, I am willing to express my regrets. I only hope that, when he appears before the same Subcommittee again, on the hearing of the re-introduced Pettengill Bill, he will be fair and penitent enough to confess that he was wrong one hundred per cent.

Charles C. Pettijohn went to Washington to bring about the defeat of the Neely-Pettengill Bill. Helping him in this was, of course, Ed Kuykendall; and since his name, too, was mentioned in that editorial, let me copy from the record so as to save him the trouble of writing a protest, if he has such an intention.

"My name is E. L. Kuykendall. I am president of the Motion Picture Theatre Owners of America and for many years have owned and operated motion picture theatres in and around Columbus, Miss.....

"I am not a lawyer. I appear before this committee not only as a theatre owner of long experience but also as president of Motion Picture Theatre Owners of America. This organization is the largest and oldest trade association of theatre owners in the United States and includes in its active membership over 4,500 of the leading theatres in the country, located in every State in the Union. It is a voluntary association, the membership is open to bona-fide theatre owners of responsibility and good repute, it is financed solely by dues from motion-picture exhibitors, and its policies are regulated strictly by bona-fide motion-picture exhibitors, and not promoters and lawyers."

Before copying more of Kuykendall's statement to the House Subcommittee, let me say that, in what he said in this paragraph, he failed to make clear to the committee: (a) that the "4,500 leading theatres," which are members of his organization, do not represent 4,500 independent theatre owners, but mostly theatre managers of circuits controlled or owned by producers and distributors; (b) that approximately eighty per cent of the dues by which his organization is financed comes from producer-controlled theatres; and (c) that he, consequently, in appearing before the Subcommittee to oppose the Bill, appeared as the representative, not of the small and struggling independent exhibitors, but of producer-exhibitors. Had he made these facts known to the members of the subcommittee, his statement would have been fair and unbiased. Wouldn't his remarks to the House Subcommittee lead one to believe that

#### "Stolen Holiday" with Kay Francis, Claude Rains and Ian Hunter

(First National, February 6; time, 791/2 min.)

The producers tried to bolster up a weak story with a lavish production; but the results have been only fair. As it stands, its appeal will be directed mostly to women, for there are shown displays of beautiful clothes, worn by Miss Francis and models. The plot is thin and lacks dramatic power; and there is little action, most of the story being developed by dialogue. One is in sympathy with Miss Francis, when she willingly sacrifices her own happiness in order to stand by a friend. Even the romance is developed in the routine manner, with misunderstandings, partings, and final reconciliation. The background is Paris:—

Miss Francis, a fashion model, becomes acquainted with Claude Rains, a crooked stock broker, whom she believes to be a brilliant but honest business man. By accompanying him at important meetings with wealthy people, she helps him out; in turn, he sets her up in a gown shop. In a short time she becomes the leading fashion designer. Her faith in Rains is unshaken, though she refuses to marry him. While on a holiday, she meets Ian Hunter, an attache of the British Embassy; they fall in love. But her dream is shattered when Rains asks her to marry him in order to save him from financial ruin. She marries him, only to learn that he had swindled people out of millions of dollars, and that his sole purpose in marrying her was to hide behind her influential friends. Rains is killed by the police when he tries to escape. Miss Francis sells all her belongings and turns over the cash to Rains' creditors. She then marries Hunter, who had been waiting for her.

Warren Duff and Virginia Kellogg wrote the story, and Casey Robinson the screen play. Michael Curtiz directed it and Harry Joe Brown produced it. In the cast are Alison Skipworth, Alexander D'Arcy, Betty Lawford, and others.

It will bore children and adolescents. Adult entertainment, Class B.

EDITOR'S NOTE: This is really the Stavinski affair, in which French investors were swindled out of millions of francs, and which brought about the fall of at least one French government.

#### "Men Are Not Gods" with Miriam Hopkins

(London Film-United Artists, January 22; time, 81 min.)

Fairly good class-audience entertainment. The production and acting are of the highest order, but the story lacks mass appeal. Audiences may not be in sympathy with the heroine, because she falls in love with a married man; one is not touched by her suffering. There is one dramatic situation that may be considered the most powerful: this is where the hero plans to kill his wife. Aside from that one scene nothing particularly exciting occurs. Class audiences should enjoy the insertions of parts of the Shakespearean play "Othello." The affair between the hero and the heroine has been handled so discreetly that it cannot possibly offend any one:—

Miriam Hopkins meets and falls in love with Sebastian Shaw, an actor whose performance in "Othello" had made him the rage of London. His devoted wife (Gertrude Lawrence) was his leading lady. Shaw tells Miss Hopkins that his wife's jealousy was driving him frantic, and that he needed her (Miss Hopkins). At first she resists him, but later succumbs to his pleas. Miss Lawrence, by telling Miss Hopkins that she was going to have a baby, induces her to give up Shaw. He is frantic when he receives Miss Hopkins' note telling him that their affair is over. He plans to kill his wife during the performance in which he, as "Othello," is supposed to kill Desdemona, his wife. Miss Hopkins, who had gone to the theatre to see Shaw once more, senses his thoughts, screams and becomes hysterical. The performance is stopped, and Miss Hopkins is carried to Miss Lawrence's dressing room. Shaw enters and learns about his wife's condition; he is remorseful. He bids Miss Hopkins farewell.

Walter Reisch wrote the story, and C. B. Stern and Iris Wright the screen play. Walter Reisch directed it and Alexander Korda produced it. In the cast are Rex Harrison, A. E. Mathews, Val Gielgud, and others.

Not for children or adolescents. Adult entertainment. Class B.

#### "The Great O'Malley" with Pat O'Brien, Humphrey Bogart and Sybil Jason (Warner Bros., February 13; time, 70 min.)

A good human-interest picture of program grade; it should go over best in neighborhood theatres. It was made by First National in 1925, under the title of "The Making of O'Malley"; there are just a few changes in the present version. Pat O'Brien, in the role of the law-enforcing po-

liceman who knows every city ordinance, is a pleasant character. His actions in the beginning, when he insists that the citizens follow the letter of the law, provoke laughter. But once he unbends and shows that he has a heart, the spectator is in deep sympathy with him. His friendship with little Sybil Jason is portrayed humanly; at times the things she says to him touch the spectator's emotions. The ro-

mantic interest is subdued:-

O'Brien, a policeman on the New York City force, angers Donald Crisp, the Captain, because of the many summonses he had given to honest people for the slightest infractions of ordinances which no one even knew had existed. In line with his duty, he stops Humphrey Bogart, to give him a summons for having a noisy car. Despite Bogart's plea that he was on his way to a job, the first he had been offered in years, O'Brien delays him, causing Bogart to lose the job. In desperation, he holds up a pawnbroker; he is arrested and sent to prison. Crisp embarrasses O'Brien by transferring him to a school district to direct traffic for the safety of school children. O'Brien becomes fond of crippled Sybil and learns that she is Bogart's child. She makes a changed man of him. He interests a famous doctor in Sybil's case; he asks the doctor not to let any one know that he had anything to do with it. The operation is successful. Through O'Brien's influence Bogart is paroled. When Bogart arrives home and hears that O'Brien wanted to see him, he thinks that he was going to hound him. When O'Brien arrives at the apartment Bogart shoots him, only to learn later that O'Brien wanted to see him to give him toys for the child and to tell him that he had a job for him. O'Brien refuses to press charges against him, asserting that he had shot himself accidentally. Bogart gives his blood for a transfusion. O'Brien recovers and every one is happy, particularly Ann Sheridan, a school teacher, who had fallen in love with him.

Gerald Beaumont wrote the story, and Milton Krims and Tom Reed the screen play. William Dieterle directed it and Harry Joe Brown produced it. In the cast are Frieda Inescort, Henry O'Neill and others.

Suitable for all. Class A.

#### "They Wanted to Marry" with Betty Furness and Gordon Jones

(RKO, February 12; time, 59 min.)

This romantic comedy has been given a better production than the material warrants. It is just an ordinary program picture which suffers from a silly story and poor dialogue. The leading players put up a hard fight to make something of their respective parts, but they were hampered by the poor material. There are times when the action lags considerably. The romance is developed in a breezy manner:—

Gordon Jones, a newspaper photographer, is ordered to take pictures of Henry Kolker's daughter's wedding, which was taking place at Kolker's home. He manages to get into the house, but his identity is soon discovered. In attempting to hide he enters the room of Betty Furness, the bride's sister. Attracted by his gay and silly manner, she runs away with him, whom she had taken to be one of the guests. But she soon learns that he is a poor newspaper man, for he cannot pay the hotel bill for food and drinks. They get into an argument and land in jail. Kolker comes to his daughter's rescue and warns her not to see Jones again. But she disobeys him, for she had fallen in love with him. Jones tries to go into the advertising business for her sake, but dislikes it and is soon back at his old job. This separates them for a time, but eventually they become reconciled and win over Kolker, obtaining his consent to their marriage.

Larry Bachmann and Darwin L. Teilhet wrote the story, and Paul Yawitz and Ethel Borden the screen play; Lew Landers directed it and Zion Myers produced it. In the cast are E. E. Clive, Patsy Lee Parsons, Frank M. Thomas, and others.

Suitable for all. Class A.

## "Wings of the Morning" with Annabella and Henry Fonda

(20th Century-Fox, February 19; time, 86 min.)

Fair entertainment. It is a British-made picture, photographed entirely in color, and as far as color is concerned it is the best one to date. It would be worth-while exhibiting for the color alone. Some of the shots of the countryside are extremely beautiful. And the players, instead of looking sickly, as they look in most color pictures, look quite natural. The story is only mildly interesting; the action is slow, and at times some of the situations are so long drawn out that one becomes impatient. A few of the situations are somewhat sexy; but Annabella and Henry Fonda handle these scenes so well that they are not objectionable. The shots of London and of the crowds at the Epson Downs races are colorful and should prove interesting to audiences:—

Annabella, great-granddaughter of a famous gypsy, who had married a British lord, is engaged to a Spanish nobleman. They are separated by the Spanish Revolution. Annabella returns to her great-grandmother, who was living at a gypsy camp in the suburbs of London ever since her titled husband had died. While out riding on a spirited horse, which belonged to her great-grandmother and which was to be run in the races at Epsom Downs, Annabella becomes annoyed when the horse throws her. This happens on the estate of a British lord, where Henry Fonda a cousin and well-known race horse trainer, was visiting. She offers to trade her horse for six of Fonda's horses, mot realizing how valuable her horse was. Being dressed in men's clothes, she is taken for a silly young man. When she returns to the gypsy camp, she learns that she had made a bad bargain and is sent to get her horse back. She does this; but her male attire gets her into many embarrassing stuations. Fonda, by accident, discovers that she is a girl and also that she is a titled lady. Fonda's cousin, who had been a cousin of Annabella's great-grandmother's titled husband, welcomes Annabella to his home. Fonda falls in love with her and is disappointed when her suitor arrives. But things turn out to his satisfaction when the suitor, believing Annabella to be without a dowry, jilts her. She gladly accepts Fonda's marriage proposal, for she had already fallen in love with him.

Donn Byrne wrote the story, and Tom Geraghty the screen play; Harold Schuster directed it, and Robert T. Kane produced it. In the cast are Leslie Banks, John McCormack, Steven Donoghue, and others.

Suitable for all. Class A.

## "'We're on the Jury" with Helen Broderick and Victor Moore

(RKO, February 19; time, 70 min.)

A pretty good program comedy. It starts off very well, hearty laughter being provoked by the antics of Helen Broderick and Victor Moore, two jurors, who annoy the Judge and the lawyers by their constant interruptions during a trial. But after the first few reels, it lags in spots; the plot does not hold up. The comedy is combined with a murder-mystery which is the basis for the trial. But this is of secondary importance, for the comedy predominates. It is not very difficult for the spectator to guess the murderer's identity, which is finally brought to light by Miss Broderick, who had insisted all along that the woman, standing trial for the murder, was not the guilty person. Miss Broderick and Moore are an excellent team; they are particularly comical during the trial scenes, when they interrupt the regular court procedure. Miss Broderick awakens sympathy by her refusal to accept false testimony; she relies on her intuition. Some of the laughs are provoked by the methods she uses to win the other jurors over to her way of thinking. The closing scenes are not only comical but hold one in suspense; there the jurors visit the scene of the crime, using Moore to act in the dead man's place. The facts are finally brought out when the maid, who had accused the dead man's widow of the murder, confesses that she had done so to shield Earle Fox, the dead man's cousin, who had committed the murder. There is no romance in the plot.

The plot was adapted from the play "Ladies of the Jury," by John Frederick Ballard. Franklin Coen wrote the screen play. Ben Holmes directed it and Joseph Henry Steele produced it. In the cast are Philip Huston, Louise Latimer, Vinton Haworth, and others.

Since the comedy predominates it is suitable for all. Class A.

## "You Only Live Once" with Sylvia Sidney and Henry Fonda

(United Artists, January 30; time, 87 min.)

A powerful melodrama; the production, acting, and direction are excellent. But it is depressing entertainment, the type that leaves one in an unhappy frame of mind. From the very beginning one feels as if the hero and the heroine are fighting a losing battle. The end, although it is what one expects, comes as a terrific shock; it shows the two young victims shot and killed. Many of the situations hold one in tense suspense; the most powerful situation is that in which the hero makes his escape from prison, just as he had been pardoned and cleared of the crime for which he had been convicted. The pity of it is that he, in escaping, commits a murder. One is in deep sympathy with the heroine, who fights for the man she loves and willingly sacrifices her life to be with him. The picture is, in its way, a preachment against our trial system of convicting persons on circumstantial evidence:—

Miss Sidney, through the efforts of her employer, Barton MacLane, public defender, obtains the release of Fonda from prison. MacLane loves her and, although he thinks she is doing the wrong thing in marrying Fonda, promises to help him all he can. Fonda takes the position MacLane had obtained for him, and settles down to a happy married life. The first time he is late he is discharged. He is frantic, and searches in vain for another job. A former prison pal of Fonda's holds up an armored truck, killing six persons, and escaping with a million dollars. The only clue he leaves is Fonda's hat, which he had taken while they were in a cafe together. Fonda is arrested, tried, convicted, and sentenced to die in the electric chair. On the death day he makes a break from his cell, taking with him the prison doctor as a shield. He threatens to kill the doctor unless the prison doors are opened. Just at that moment the warden receives word that the armored car, with the bank robber, had been found submerged in a river, and that Fonda was cleared of the crime and pardoned. But Fonda refuses to believe this. When the prison priest approaches him he thinks it is a plot and, in desperation, shoots and kills him. He escapes, and telephones to Miss Sidney to join him. She rushes to him in MacLane's car. For several weeks they elude the police. During this time Miss Sidney's baby is born in a shack. She gets word to her sister to meet her and turns the baby over to her. She then goes back to Fonda. They are finally cornered by the police and, shot, they die in each other's arms.

Gene Towne and Graham Baker wrote the original screen play. Fritz Lang directed it and Walter Wanger produced it. In the cast are Jean Dixon, William Gargan, Warren Hymer, Chic Sale, and others.

Not for children. Adult entertainment. Class B.

### "Off to the Races" with the Jones Family and Slim Summerville

(20th Century-Fox, February 19; time, 56 min.)

Like the other Jones Family pictures, this is wholesome and comical family fare. The same players enact their respective parts in the family, only this time they are joined by Slim Summerville, as the financially embarrassed brother-in-law of Spring Byington, and his "pesty" little daughter. In the closing scenes, the race in which each member of the family has some financial interest owing to loans made to Summerville, who was racing his trotter, holds one in suspense. One is in sympathy with the older daughter (Shirley Deane), who finds her plans to entertain her fiance (Russell Gleason) upset by the untimely arrival of her uncle (Summerville). Summerville's methods of getting his bills paid by the different members of the family provoke laughter. The way the picture ends pleases the spectator. The father (Jed Prouty) races the trotter and wins, bringing a \$5,000 purse to Summerville and winnings to Gleason, who had bet all his savings on the race, hoping to win, and thus be enabled to marry Miss Deane. There are many laughs in the picture, and it is of the same quality as its predecessors.

Robert Ellis and Helen Logan wrote the original screen play, based on the characters originated by Katherine Kavanaugh. Frank R. Strayer directed it, and Max Golden produced it. In the cast are Kenneth Howell, George Ernest, and others.

Suitable for all, Class A.

he represented nothing but dyed-in-the-wool independent

Another point on which I desire to comment at this time is his statement, "I am not a lawyer...," and "This organization is . . . financed solely by dues from motion picture exhibitors, and its policies are regulated strictly by bonafide motion picture exhibitors, and not by promoters and lawyers." When he was making such a statement he was hitting, no doubt, at Mr. Abram F. Myers, chief counsel of Allied States Association. Since when have lawyers lost the right to represent independent theatre owners before any Congressional committee? Must lawyers represent before such committees only producers of pictures?

The following are additional extracts from Kuykendall's testimony:

Kuykendall: "... It may be that some have referred to the present 10-per cent clause as having been secured with my approval or the approval of my committee. We had to take the best we could get, and we preferred to have something rather than nothing at all."

Congressman Sadowski: "In other words, your committee felt that the principle of block booking is all right provided you could have the exhibitors, the members of your organization, secure from the distributors a large cancellation privilege?"

Kuykendall: "... Yes.... We propose to continue our determined efforts to bring about an unconditional minimum rejection privilege in all exhibition contracts of at least 20 per cent of the number of pictures licensed. We firmly believe that this is the only practical solution of the problem, that when it is possible and practical for the exhibitor to reject the occasional picture that he considers unsuitable because of any peculiarity in his own community, any possible abuse in block-booking will be removed. . . . I want to say here, Mr. Chairman, that we just came from a meeting of our board, in Miami, Fla, and a committee is to be appointed . . . to sit down across the table and iron out these difficulties, and I can assure you that we will be able to meet with the representatives of the distributors and iron out this difficulty in our contracts. . . .

On Page 367, Kuykendall, addressing his remarks to Congressman Terry, said partly: "We have some assurance from the general sales managers in New York that they are willing to sit across the table and give us anything that we are rightfully entitled to. We do not expect anything further than that, and no one could try for more than that.

Kuykendall and his board continued their "determined efforts" to bring about a rejection privilege of at least twenty per cent of the pictures; a committee was appointed by him with the approval of his board of directors; this committee was able to sit and they did sit across the table to iron out "these difficulties," but, despite the assurances given to Kuykendall and his committee by the general sales managers in New York that they, that is, the sales managers, would "give us anything that we are rightfully entitled to," they gave Kuykendall and his committee nothing. Kuykendall's assurances to the members of the House Subcommittee, therefore, meant as much as those of Charlic Pettijohn.

Mr. Abram F. Myers, in his January 6 release, which dealt with the MPTOA Bulletin, stated the following:

Not a single concession was made. . . who claim that anything has been yielded in the matter of cancellations will have the problem of squaring this claim with what they asserted before Congressional Committees last year that they already had. Certainly industry spokesmen on those occasions claimed with apoplectic vehemence that a ten per cent cancellation then existed." You have read what Kuykendall said regarding your ten per cent cancellation right. Do you find anywhere made clear to the House Subcommittee members that the ten per cent cancellation right existed with many conditions, the kind that frequently nullified it? Of course, not! Every word uttered by the producer spokesmen on the subject of the exhibitor's cancellation right tended to lead the members of the two subcommittees to believe that such a right existed without any strings attached to it.

Take, for example, the paragraph in which Charlie Pettijohn dealt with this subject! He said:

"Mr. Kuykendall says, at the same time, that the 10 per cent cancellation clause was intended so that the exhibitor could cancel a bad picture or pictures that were not thought fit, from a moral or social standpoint for the community." Did he say anything to lead any member of the committee to know that the ten per cent cancellation right was not unconditional? Did he say to them that, if the the exhibitor should cancel a high-allocation picture, the distributor immediately would put in the cancelled picture's place any other picture, from the low-allocation groups, on the same terms, and that when the "minimum" was not taken in during the days the substitute picture was shown, the exhibi-tor had to dig into his pocket to make up the difference, a practice that discouraged him from cancelling "a bad picture or pictures that were not thought fit, from a moral standpoint for the community"? Of course he did not make any such enlightening statement, for he and the other produccr spokesmen were there, not to enlighten the minds of the committee members, but to becloud them-becloud them with irrelevant things, such as the personal conduct of some of the exhibitors that appeared in defense of the Bill, matters that had nothing to do with the issues involved.

You see for yourself that, whatever assurances the producers gave to the Congressional Committees during the hearings, were intended to becloud the issue, and not to induce such committees to give them time to put in reforms. Consequently, the passing of the Ncely-Pettengill Bill, now before Congress, in the Senate as S. 153, and in the House of Representatives as H. R. 1669, becomes necessary. And so is the bill that is to be introduced in state legislatures divorcing exhibition from production-distribution.

#### UNITED ARTISTS GIVES "BELOVED ENEMY" HAPPY ENDING

Mr. Goldwyn made two kinds of endings for "Beloved the picture that is founded on the fight of the Irish for freedom. In the one, the hero, who had been shot by a hot-headed patriot for, what he thought, betraying Ireland by accepting a plan that left Ireland still attached to the British Crown even though the acceptance of that plan put an end to unnecessary shedding of blood, dies; in the other, he lives.

When the picture opened at the Rivoli, New York, it had the unhappy ending, but shortly afterwards the happy ending was put on; this was done after the distributor obtained the opinion of the exhibitors as well as of the company's salesmen.

HARRISON'S REPORTS feels that, although the unhappy ending is more artistic and in accordance with the hotheadedness of the protagonists, a happy ending is preferable, for the masses, as you know very well, would rather have a picture end happily than unhappily.

#### REGARDING THE ORDINANCE TO RESTRICT NUMBER OF THEATRES

As a result of the many editorial recommendations urging exhibitors to provide against overseating in their towns or localities, many exhibitors appealed to their city councilmen to pass the draft that was printed in the May sixteen issuc of Harrison's Reports.

In many cases, however, the councilmen, not being lawyers, hesitate to put such an ordinance through, even though they are in sympathy with the local exhibitor. In most cases they wish to be informed if any other city or town has put through such an ordinance.

If your city council has passed that ordinance or any other ordinance of this kind, I wish you send me a copy.

This will help other exhibitors.

The information will not be printed in HARRISON'S REPORTS; it will be merely passed to inquiring exhibitorsubscribers.

#### A STATEMENT FROM ALLIED STATES

The following statement, dated January 29, has been issued by the Washington office of Allied States Association of Motion Picture Exhibitors:

"Recognizing the necessity of centralizing authority and concentrating effort in the project to prevent producers from operating theatres, the Special Defense Committee has authorized its chairman, W. A. Steffes, to assume sole

"All requests for information regarding this feature of the Allied program should be addressed to Mr. Steffes.

"The Committee on Arrangements has selected May 12, 13 and 14 as the dates, and the Hotel Pfister, Milwaukee, as the place of the 1937 annual convention. Mr. P. J. Wood, of Columbus, Ohio, is chairman of the convention committee. Mr. Ray A. Tesch, of Milwaukee, is in charge of the local committee on arrangements.

'Requests for information regarding program advertising, exhibit space, etc., should be addressed to Mr. Wood, 39 West Broad Street, Columbus, Ohio. Reservations should be sent to Mr. Tesch, 709 North 11th Street, Mil-

waukee, Wis.'

IN TWO SECTIONS—SECTION ONE

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# HARRISON'S REPORTS

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#### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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No. 7

### COLUMBIA ANSWERS THE TEN-POINT DEMAND OF MPTOA

The sixth major company to answer the tenpoint demand of Motion Picture Owners of America is Columbia. In a letter sent to the head of the would-be exhibitor organization, Abe Montague, general sales manager of this company, makes its position clear on each of these points.

(1) Cancellation Right: "Columbia is willing to grant a cancellation of 10% of the number of pictures offered if the exhibitor contracts for all the pictures offered at one time, provided this cancellation is restricted to pictures in the lowest price allocation group."

If anyone thinks that a concession has been made by Columbia on this point, he ought to see a doctor.

- (2) Conciliation Boards: Columbia is in favor of establishing these boards provided they do not require too much of the time of its branch managers. Mr. Montague wants further discussion of the matter. No concession.
- (3) Clearance: Clearance is a matter that concerns exhibitor and distributor and Columbia feels that sleeping dogs should be left to enjoy their sleep: ("... therefore in our opinion [clearance] must be left that way," are the words employed.) No concession!
- (4) Over-Buying: This is an exhibitor matter, and "is difficult for a distributor to determine." No concession!
- (5) Unfair Competition Between Theatres: "It can be eliminated by the exhibitors themselves." Soothing words, but chalk it down as "No concession."
- (6) Non-Theatrical Competition: Columbia denies that it encourages this type of competition.

Since Harrison's Reports does not possess facts proving that Columbia has sold pictures to schools, churches or other kind of non-theatrical institutions, it cannot take the position that it is not stating facts, despite this paper's belief that Columbia has been as guilty on this score as has any other company. If any exhibitor has proof to the contrary, let him speak.

(7) Short-Form Contract: Because of court decisions, Columbia thinks that a short-form contract is inadvisable. No concession!

While we are discussing short-form contracts, let me say that, a contract of such a form, though convenient, does not mean much to the average exhibitor; what he is really interested in is, "how much?" and "when?" In other words, can the exhibitor buy pictures at a price that will yield him profit? and can he show them before they become "mouldy"? Give him pictures at a price and at an early run, and I am sure he will be willing to sign

a contract ten feet long. No concession!

(8) Score Charge: The letter states: "We are at this time willing to meet your request regarding the elimination of score charges, particularly as it applies to percentage contracts. We believe that score charges are part of the film rental. . . ."

The Columbia executives are very kind-hearted, indeed: Let us look into the facts to see what is the "story."

Ninety-three exhibitors reported in Harrison's Digest of Contract Terms, which was put out last June. Of these: eighty-seven paid no score at all, either on percentage or flat rental pictures; one paid score only on percentage pictures; one paid it only on flat rental pictures; one on all percentage and on part of the flat rental pictures; and only three paid score on all pictures, percentage as well as flat rental. In other words, Columbia did not charge practically any score. And now, good-heartedly, it comes along to tell us that it is willing to eliminate the score on all percentage pictures, and on the flat rental pictures to combine the score charge with the rental of each picture, under the heading "Complete Film Rental Terms." If the MPTOA heads had not been keeping their organization going with money that is supplied by the producers themselves, they would feel insulted. No concession!

- (9) Preferred Playing Time: Columbia expects to get a fair share of the exhibitor's "preferred playing time." Concesson denied!
- (10) Forcing shorts with Features: (This is a good one): "It has never been the intention or the practice of this company to 'force' shorts with features, as the expression is commonly used by exhibitors. Because of economic operation, it is absolutely necessary to license short subjects at the same time that features are licensed. The number of short subjects licensed by an exhibitor becomes part of the individual sale, and we believe that where we do license features we should have an opportunity to license the account a reasonable number of short subjects proportionate to the number of features we supply as against the exhibitor's total feature requirements."

From Columbia's reply to the MPTOA tenth point of its 10-point demand, we "extract" the following meanings:

Columbia had never had the intention and has never resorted to the practice of forcing shorts with features; the misunderstanding is merely in the interpretation of the words. In this manner, "forcing shorts with features" hasn't the same meaning with Columbia as it has with exhibitors. If Columbia forces the exhibitor to buy shorts with its features, this is the result of "economic operation,"

#### "Green Light" with Errol Flynn, Anita Louise and Margaret Lindsay

(First National, Feb. 20; running time, 84 min.)

Very good. It has a touch of the "Louis Pasteur" mood, for part of the story, as altered, deals with the hero, a surgeon, who had purposely inoculated himself with germs of spotted fever in an effort to find out how efficacious was a serum he had prepared for the purpose of fighting the disease. The fact that previously he had taken the blame for the death of a patient so as to shield another person, the surgeon under whom he had studied, and whom he worshipped, makes the sacrifice situation more touching. There is human appeal in almost every one of the situtions. Errol Flynn, as Dr. Paige, the hero, is extremely sympathetic. One is in sympathy also with Anita Louise, who takes the part of the daughter of the victim:

An emergency operation is to be performed on a wealthy woman patient, but Dr. Endicott (Henry O'Neill) is not at the hospital at the appointed time; and since delay would have meant her death, Dr. Paige (Errol Flynn) undertakes to perform it. In the middle of the operation Dr. Endicott appears and orders Dr. Paige to stand aside. Because of business worries Dr. Endicott loses his nerve, makes a bad cut, and the patient dies. Charges are brought against Dr. Paige, and although some of his colleagues, who knew the facts, urged him to tell the truth, he refuses to do so. Consequently, he is asked to tender his resignation from the hospital. Restless in spirit, he calls on Dr. Harcourt, a famous preacher who brought peace to the minds of disturbed souls, but he finds no peace. There he meets Phyllis (Anita Louise), daughter of the dead woman. The two fall in love. Through certain signs Phyllis realizes that the man who goes under an assumed name is none other than Dr. Paige himself, and is horrified. Rebuffed, Dr. Paige becomes more despondent and, leaving town, goes to an outpost in Montana, where one of his former colleagues was trying to find a cure for spotted fever, infesting cattle and mcn in that territory. There he joins him in the experiments. Dr. Paige feels that he had prepared an efficacious serum, but since he had no human bcing to use as a guinea pig, he inoculates himself with the serum. Fever appears, and his life is despaired of. At this point Phyllis, whom Dr. Harcourt had satisfied of his innocence in her mother's death, comes to him. The fever leaves on displayment it then be keeps on climbing until it reaches 105 degrees; it then begins to recede. His life is saved, and through his experiment are saved the lives of other human beings. Reconciliation takes place between Phyllis and him. He is soon restored to honor and to his former position.

The plot has been based on the book by Lloyd Douglas, author of "The Magnificent Obsession." Milton Krims wrote the screen play, and Frank Borzage directed it un-der the supervision of Henry Blanke. Others in the cast are Walter Abel, Sir Cedric Hardwicke, Henry Kolker, Russel Simpson, Myrtle Stedman.

Good for every member of the family. Class A.

#### "Breezing Home" with William Gargan, Binnie Barnes and Wendy Barrie

(Universal, Jan. 31; time, 63½ min.)

Pleasant program entertainment. Although the story centres around horses and horse-racing, it is not limited in its appeal, for the reason that the surrounding plot has human interest, and the characters awaken sympathy by their actions. The race in the closing scene is highly exciting; and, in spite of the fact that one knows that the heroine's entry will win, one is held in tense suspense. The audience is in sympathy with the heroine, whose regeneration is brought about in a logical manner. The romance is pleas-

William Gargan, a trainer and lover of horses, is saddened when the favorite horse of his former employer, who had died, is sold at auction to Alan Baxter, a bookmaker. The deed is made out in Wendy Barry's name, for bookmakers were not allowed to race horses. Gargan undertakes to train the horse for a big race, not knowing that Baxter had placed bets against his own horse. Baxter frames the race by having his jockey throw the horse; the animal is injured. Gargan is enraged and accuses Miss Barrie of having been in league with Baxter. He lcaves and takes a position as trainer at the stables of wealthy Binnie Barnes, who is in love with him. Miss Barrie, ashamed of her association with Baxter, uses all her money to board the horse at a farm where good care brings him back to fitness. Gargan finds out about this and changes his opinion of Miss Barric. He helps her train the horse for the big racing event of the season. The horse puts up a good fight and wins. Gargan resigns his position to marry Miss Barrie; they plan to go into the horse training busi-

Philip Dunne and Finley P. Dunne, Jr., wrote the story, and Charles Grayson the screen play. Milton Carruth directed it and Edmund Grainger produced it. In the cast are Raymond Walburn, Alma Kruger, William Best, and

Suitable for all. Class A.

#### "Dangerous Number" with Robert Young and Ann Sothern

(MGM, Jan. 22; time, 701/2 min.)

The one thing that can be said in favor of this comedy is that the action is fast. The story is far-fetched and silly, and the coincidy is at times forced. What tires one more than anything else is the constant bickering between the hero and the heroine; by the time they come to a complete understanding, one loses interest in the outcome. The dialogue and situations are comical on occasions, but not often cnough. As it stands, it is entertainment that should appeal

mostly to young people:—

Robert Young, a millionaire silk manufacturer, marries
Ann Sothern, a show girl. He becomes annoyed at the number and type of people who call to see them, and also at the fact that all his wife's former male stage associates kiss her. So the quarrel begins. Miss Sothern runs out of the house, and Young, in disgust, decides to call some woman for a date. Miss Sothern, knowing that Young would do that, arranges with the telephone operator in the building in which they lived to connect Young with one of her friends. Young meets the girl, but he did not know that she had arranged to lead him on a wild chase with supposed crooks and shootings. He is annoyed when he later finds out that a joke had been played on him. Again he and Miss Sothern separate. Realizing that she loved him, Miss Sothern pleads for forgiveness and promises to lead the type of life Young preferred.

Leona Dalrymple wrote the story, and Carey Wilson the screen play; Richard Thorpe directed it. In the cast are Reginald Owen, Cora Witherspoon, Dean Jagger, Maria Shelton, and others.

There is nothing morally wrong with it, so it is suitable for all. Class A.

### "Park Avenue Logger" with George O'Brien

(RKO, Feb. 26; time, 65 min.)

Pretty good program entertainment. Although the action is fast, neither the story nor the background—that of a lumber camp—is particularly novel; but it should please the O'Brien fans, for he engages in several exciting fist fights and enacts his role with realism. The story has some good comedy situations; most of the laughs are provoked by Bert Hanlon, the camp cook, who attaches himself to the hero. Some of the excitement is caused by the encounters between the hero and the villain, who was trying to ruin the heroine's lumber business. The love interest is pleas-

O'Brien's father (Lloyd Ingraham) is unhappy because he thinks his son is soft; he does not know that he is a champion wrestler, a fact which O'Brien was hiding from him because he thought his father wanted him to be intellectual. Thinking that he needed some toughening, Ingraham sends O'Brien, incognito, to his lumber camp and writes to his foreman (Willard Robertson) to "give him the works." OBrien proves to be a tough "customer," and becomes popular with the loggers. He discovers that Robertson had been stealing from the firm for many years, and that he had been planning to ruin Beverly Roberts and her father, owners of the adjoining lumber camp, so that he might buy their property for himself. O'Brien un-covers the plot, which involved Ward Bond, Miss Roberts' foreman, whom she had been planning to marry. When O'Brien proves Bond's guilt, Miss Roberts is sorry that she had mistrusted him. Bond had told her who O'Brien was and she thought it was he who was trying to steal her property. She confesses her love for O'Brien. Ingraham is proud of his son.

Bruce Hamilton wrote the story, and Dan Jarrett and Ewing Scott the screen play; David Howard directed it, and George A. Hirliman produced it. In the cast are Gertrude Short, Robert E. O'Connor, and others.

Suitable for all. Class A.

#### "The Good Earth" with Paul Muni and Louise Rainer

(MGM roadshow picture; time, 2 hrs. and 18 min.)

Counting in the time devoted to the initial work done on the story, it took almost three years to produce this picture. As to the cost, figures vary; but it must have cost more than two million dollars to produce. The combination of these two factors have contributed to producing a highly artistic piece of work. As to entertainment values, those who will see it will undoubtedly be awed by its magnificence, by its art; but I doubt whether more than a fair percentage of them will feel that they have been entertained,—that they have been inspired by the rise and fall and re-rise of Wang Lung, impersonated with realism by Paul Muni, or that they have been moved by the sufferings of O-lan, the former slave, impersonated with great artistry by Miss Rainer, who incidentally does the best work in the picture; or that they have been amused by the fickleness of the character of Wang's uncle, impersonated boisterously and vociferously by Walter Connelly. For one thing, the lives of the two leading characters are too far removed from the lives of the average American, even though the United States, as a nation, is in deep sympathy with the fate of the Chinese nation; for another, the character of Wang Lung is not the kind that would inspire any one, even though the original character has undergone considerable modification in the hands of the MGM scenarists. No one can be in much sympathy with a person who is ready to throw down a wife who had stood by him in his adversity like a rock and had helped him eventually become wealthy. The scenes of the storm are nerve-wracking; those of the famine, stomach-upsetting; those that show the beginnings of an intimacy between son and stepmother, though true to the book, somewhat disgusting. Only the scenes that show the clouds of locusts, descending upon the fields, and the efforts of the farmers to stave them off by lighting fires, awe and impress one. One marvels at the mechanical ingenuity of those who made these scenes; so realistic are they. The picture is advertised in this city, where it has just started its engagement, very strongly. This fact, combined with the fame of the book, may overcome the deficiency of lack of deep human appeal.

It is the story of Wang Lung, son of the Chinaman, who marries O-lan, a slave of the wealthy house of Hwang. She helps him with the work in the field. Two of her sons are born while she worked. Wang acquires more land and prospers. But famine strikes the region and the family is compelled to migrate south. There they try to make a living by begging. The revolutionaries come and the populace loots the wealthy homes. O-lan is carried on by the crowd into a big house. Losing her balance, she falls down, is stepped upon and injured. When she comes to, no one is there and she finds some jewels. She gives them to her husband. With his family Wang returns to his home town and, with the money he realizes from the jewels, once again becomes wealthy. O-lan's health declines. Wang sees a beautiful girl in a theatre and takes her home, to make her his second wife. Soon she attempts to become intimate with one of the sons. Wang finds them together and he beats his son unmercifully. A locust plague visits the region but Wang, aided by his hired people and his two sons, stops their progress by building fires. The wind changes and this causes the locusts to fly in the other direction. O-lan dies.

The plot has been founded on the best seller by Pearl Buck. Talbot Jennings, Tess Slessinger and Claudine West wrote the screen play; Sidney Franklin directed it under the supervision of Albert Lewin. Soo Yong, Keye Luke, Roland Lui, Mary Wong and others are in the supporting cast.

The scenes of the incipient intimacy between son and stepmother have been handled with such delicacy that the picture remains suitable for the entire family. Class A.

#### "On the Avenue" with Dick Powell, Madeleine Carroll and Alice Faye

(20th Century-Fox, Feb. 12; time, 87 min.)

Excellent 1 It is a peppy, tuneful, and romantic comedy; it should exceed the success of "Sing, Baby Sing." The picture looks as if no expense was spared in its production. Each stage number in which a new song is introduced is given a lavish and ingeniously novel background. With it all there is a feeling of intimacy about the back stage at-

mosphere, for the reason that it is kept within the confines of a stage. When a number is supposed to be enacted on the stage of a theatre, it is actually done so and does not sprawl over hundreds of acres of ground. The performers seem as if they were inspired. Dick Powell has never appeared to better advantage. It is so with the other members of the cast. The Ritz Brothers should delight every one by their antics, which are extremely comical. The romance is pleasant, although it is developed according to formula:—

Madeleine Carroll, the richest girl in the world, in company with her father (George Barbier) and her fiance (Alan Mowbray) attend the opening night of a play in which Powell and Alice Faye are starred. They are enraged at one of the skits in which they are satirized. Miss Carroll rushes backstage to see Powell, who had written the skit; she insults and slaps him. Later she repents her actions and calls Powell to have supper with her. They fall in love. Powell promises to take out the satirical sting from the skit. He rewrites it and invites Miss Carroll, her father, and her aunt (Cora Witherspoon) to see the new one. But Miss Faye, who was in love with Powell and resented Miss Carroll, decides to break up the affair by putting in the skit, without the knowledge of Powell, things that would be more insulting. Once she is on the stage, Powell is helpless to stop her. Miss Carroll leaves the theatre enraged and refuses to speak to Powell when he calls. Miss Faye, sorry for what she had done, confesses all to Miss Carroll. Nevertheless she plans to marry Mowbray. But her fun-loving aunt breaks up the wedding and rushes Miss Carroll to a taxi, where Powell was waiting. There is a happy reconciliation.

Gene Markey and William Conselman wrote the original screen play. Roy Del Ruth directed it and Gene Markey produced it. In the cast are George Barbier, Stepen Fetchit, and others.

Good for all. Class A.

#### "Man of the People" with Joseph Calleia, Florence Rice and Ted Healy

(MGM, Jan. 29; time, 81 min.)

Fair program entertainment. Metro used a formula plot as the basis for this screen play; but it interests one and holds one's attention pretty well throughout. As far as the box-office is concerned, it is handicapped by the lack of star names. Joseph Calleia has been given the leading part, but, although he has always appeared to good advantage in secondary parts, he is not suited to the role assigned him here. For one thing, he is not of the romantic type; for another, he is not forceful enough for the requirements of the role. Ted Healy handles the comedy in his usual manner, provoking hearty laughter whenever he appears:—

Calleia, a resident of the lower east side district of New York, is admitted to the bar and looks forward to practicing law. Thomas Mitchell, head of the political club of that district, makes overtures to him to join his club, but he refuses. After having lost several cases, Calleia comes the realization that he must join the organization if he wants to keep his clients. Mitchell welcomes him and promises him a bright future. Calleia is appointed assistant district attorney; but Mitchell is annoyed when he attempts to start an investigation against fake-stock promoters. In order to show his disapproval, he selects some one else for the nomination of District Attorney, a job he had promised to Calleia. Calleia runs on an independent ticket and loses, but is comforted by Florence Rice, a society girl, who had fallen in love with him. Calleia is appointed by the Governor as the head of a Commission to continue his campaign against fake stock promoters. His investigations lead him to a company in which Miss Rice's mother was involved. He refuses to listen to Miss Rice's pleas to drop the matter. At a hearing, he proves that the backers of the company, in which Mitchell, too, was interested, were crooks. He goes back to the east side, to start the practice of law again. Miss Rice follows him and tells him she approves of what he had done.

Frank Dolan wrote the original screen play, Edwin L. Marin directed it and Lucien Hubbard produced it. In the cast are Catherine Doucet, Paul Stanton, Jonathan Hale, and others.

Suitable for all. Class A.

(whatever that is). Besides, Columbia does it in another way, a way to which the exhibitor should not object: the number of short subjects forced on him at the time of the sale of the features become part of "the individual sale." Moreover, Columbia believes that, where they "do" sell features, they should have an equal opportunity to sell the exhibitors a reasonable number of short subjects, in proportion to his total future requirements.

It is a long way that Columbia took to tell the exhibitor, in as camouflaged a language as it could muster, that it will not give up the right of forcing the exhibitor to buy Columbia shorts if he wants to be able to obtain Columbia features, for that is exactly what the reply means, despite the meaning-

less method it has employed to say it.

In the 1935-36 season, the practice of this company on the short-subject question was, as revealed in Harrison's Digest, as follows: Fifty percent of the exhibitors were compelled to buy shorts; twenty-five percent did not buy any shorts at all, and twenty-five percent bought some shorts.

This is Columbia's answer.

If merely replying to the MPTOA demands by a company means that it has granted such demands, then Columbia has granted them. As far as Harrison's Reports is concerned, it has failed to discover a "grant" on any of the points.

#### PROTECT YOURSELF IN EVENT YOU SHOW PICTURES IN NATURAL COLORS

Tricolor, Inc. has filed a suit in the U.S. District Court, in Los Angeles, against Technicolor Motion Picture Corporation, as well as against Mitchell Camera Corp., charging them with infringement of patent No. 1,416,645, the rights to which patent Tricolor claims it owns. The following companies are mentioned in the complaint for contributory infringement: Warner Bros., RKO, Metro-Goldwyn-Mayer, Twentieth Century-Fox, SGZ (formerly 20th Century), Goldwyn, Disney, and Pioneer.

Tricolor has served notice on the Independent Theatre Owners of Southern California & Arizona that it will hold accountable for damages as contributory infringers any of its members who may use Technicolor product.

On the strength of this notice, the exhibitor organization has sent to its members a suggestion to demand from the distributor, before playing a picture covered by the Technicolor process, a written release in case of a lawsuit against them by Tricolor, Inc.

Dr. Herbert T. Kalmus, president of Technicolor, issued the following statement as a result of Technicolor's notice to the exhibitor organization:

"Technicolor is being sued by Tricolor for infringing a patent relating to a duplex camera. Technicolor's attorneys . . . have advised them that this patent contains no valid claim which is infringed by any camera ever made or used by Technicolor. These attorneys will conduct the Technicolor defense in this suit, which is scheduled for sometime next March.

"These attorneys further advise that the claims of the patent in suit cover only the construction of a camera, and therefore, even assuming the claims were valid and infringed, the exhibitors of Technicolor film are not liable for infringement directly or indirectly.

"In my opinion neither the producers, distributors, exhibitors, Technicolor nor anyone else has anything to fear, and Technicolor's attorneys advise me that in their opinion notification of exhibitors by Tricolor appears to amount to unwarranted intimidation."

What Dr. Kadmus says on the subject is very well, but we have seen so many attorneys go wrong in infringement cases that the exhibitor cannot afford to take any chances of having to satisfy a judgment in case Technicolor's attorneys guessed wrong. For this reason, HARRISON'S REPORTS suggests to all exhibitors who have booked natural color pictures to demand from the distributor a written guarantee that, should they be sued by Tricolor for infringement of that patent, the distributor will defend the suit at its own cost, and pay the judgment and the court costs, in case there should be a judgment.

#### LEGISLATION DIVORCING THEATRES FROM PRODUCTION-DISTRIBUTION

The first state where a bill to divorce exhibition from production-distribution has been introduced by Allied States is North Dakota.

The Bill passed the Assembly and it is confidently expected to pass the Senate, despite the determined opposition by the film companies, who rushed people to Bismark to bring about the bill's defeat.

A bill has been introduced also in the Assembly of the State of California, as No. 1497, and is somewhat similar to the North Dakota bill. Its proponents feel confident that it will pass both Houses.

If the producers will take a piece of good advice from this paper, they will give up their efforts at trying to use stooges to make Congress believe that they are effecting reforms in the industry, and will call into conference representatives of genuinely independent theatre owners to find out how real reforms may be effected. It is the only way by which battles in legislative halls may be avoided. For them to try to stop these battles, they must have the United States Treasury at their disposal; they may be successful in preventing the enactment of such bills in one or two states, but they will have the time of their lives in preventing their enactment in forty-eight states, in addition to Congress.

In last week's Harrison's Reports a statement was printed from Allied States Association, informing the exhibitors that Mr. W. A. Steffes, of Minnesota, had been placed in full charge of the legislative program. It begins to look as if the confidence the Allied directors put in Mr. Steffes has not been misplaced. His initial success in Bismark is the proof of it. Other similar successes may be expected.

Let me repeat: If the producers want sincerely to stop this legislative war, they had better send for the representatives of truly independent exhibitors to talk about adopting means by which the industry abuses may be ended. Some of these abuses are: inability of the independent theatre owners to obtain product at a suitable run when they are willing and able to pay for it; building theatres in competition with established independent exhibitors; unfair contract terms, by which the buyer does not know what he is going to get from the seller, and the seller is free to switch pictures around to his benefit but to the detriment of the buyer; and score charge.

### HARRISON'S REPORTS

Vol. XIX NEW YORK, N. Y., SATURDAY, FEBRURY 13, 1937

(Partial Index No. 1-Pages 2 to 24 Incl.)

No. 7

Title of Picture:	Reviewed on page	RELEASE SCHEDULE FOR FEATURES
After the Thin Man—MGM (11 All Scarlet—RKO (See "Racin	11 min.)	Chesterfield Features (1540 Broadway, New York, N. Y.)
Beloved Enemy—United Artists Beloved Vagabond, The—Colun Black Legion—Warner Bros. (8 Bold Caballero, The—Republic Bold Cavalier, The—Republic (	abia (66 min.)	House of Secrets—Fenton-BlackmerOct. 20 Red Lights Ahead—A. Clyde—L. GleasonDec. 29  Columbia Features
"Bold Caballero"		(729 Seventh Ave., New York, N. Y.) 7031 Legion of Terror—Cabot-ChurchillNov. 1 7018 Come Closer Folks—Dunn-MarshNov. 7 7003 Theodora Goes Wild—Dunne-DouglasNov. 12
Camille—MGM (109½ min.) Champagne Waltz—Paramount College Holiday—Paramount (8 Come Up Smiling—First Nation a Love Song") Counterfeit Lady—Columbia (5 Crack-Up—20th Century-Fox (6 Criminal Lawyer—RKO (71 m	(91 min.) 6 96 min.) 2 ral (See "Sing Me 207 81/2 min.) 2 591/2 min.) 6	7024 North of the Nome—Holt-Venable
Find the Witness—Columbia (5 Four Days Wonder—Universal Fugitive in the Sky—Warner B	(60 min.) 3	7028 Woman in Distress—Robson-Hervey Jan. 17 7011 Devil's Playground—Del Rio-Morris (re) Jan. 24 7012 Women of Glamour—Bruce-Douglas Jan. 28 7203 Westbound Mail—Chas. Starrett (54 m.) Jan. 31
Girl in a Million, The—20th C (See "One in a Million") God's Country and the Woman- Gold Diggers of 1937—First Nat Great O'Malley, The—Warner I	—Warner (84 min.) 10 tional (100 min.) 3 Bros. (70 min.) 22	7039 Dodge City Trail—Charles StarrettFeb. 5 I Promise to Pay—C. Morris-H. MackFeb. 15 Parole Racket—P. Kelly-R. KeithFeb. 20 7212 Law of the Ranger—R. Allen (57 min.)Feb. 26 When You're in Love—Grace MooreFeb. 27 7204 Trapped—Charles StarrettMar. 5
Happy Go Lucky—Republic (69 Headin' For the Rio Grande—G (61 min.) Holy Terror, The—20th Centu	rand NationalNot Reviewed	First National Features (321 W. 44th St., New York, N. Y.)
Join the Marines-Republic (68	½ min.)	153 Three Men on a Horse—McHugh-BlondellNov.21 151 Gold Diggers of 1937—Dick PowellDec.26
King of the Ice Rink—Warner Hockey")	199	160 Sing Me a Love Song—Melton-HerbertJan. 9 171 Once a Doctor—Muir-WoodsJan. 23 157 (159) Stolen Holiday—Francis-RainsFeb. 6
Larceny on the Air—Republic Let's Make a Million—Paramo Lloyds of London—20th Centur	unt (59 min.) 10	154 Green Light—Flynn-Louise-LindsayFeb. 20 172 Penrod and Sam—Mauch-CravenFeb. 27 173 Her Husband's Secretary—Hull-MuirMar. 20
Man Betrayed, A—Republic (S Mandarin Mystery, The—Repub Man of Affairs—Gaumont-Briti Men Are Not Gods—United Ar Mighty Treve, The—Universal Mind Your Own Business—Pa Mysterious Crossing—Universa	blic (63 m.). Not Reviewed sh (71 min.)	Gaumont British Features (1600 Broadway, New York, N. Y.)  Love in Exile—Helen Vinson-Clive Brook
Off to the Races—20th Century Old Corral—Republic (58 min. Once a Doctor—First National One in a Million—20th Century	)	River of Unrest—Lodge-Loder-Cellier (reset)Jan. 10 Man of Affairs—George ArlissJan. 20 Head Over Heels in Love—Jessie MatthewsJan. 30 Everybody Dance—C. Courtneidge-Truex (reset).Feb. 15
Plough and the Stars, The—Rl Pluck of the Irish—Grand Na "Great Guy")	tional (See	Grand National Features (1270 Sixth Ave., New York, N. Y.
Racing Lady—RKO (58 min. Riders of Whistling Skull—Re (58 min.)	publicNot Reviewed	119 In His Steps—E. Linden-C. Parker. Sept. 29 126 Devil on Horseback—Damita-Keating. Oct. 11 120 White Legion—Ian Keith-Tala Birell. Oct. 25 136 Yellow Cargo—Conrad Nagel . Oct. 27 144 Song of the Crimer Ten Birth. (62
Secret Valley—20th Century-Fe She's Dangerous—Universal (1 Sinner Take All—MGM (72½ Smart Blonde—Warner Bros. Stolen Holiday—First National Stowaway—20th Century-Fox Strangers on a Honeymoon—G They Wanted to Marry—RKO	67½ min.) 15 min.) 6 (58½ min.) 6 (79½ min.) 22 (85½ min.) 2 (85½ min.) 11 (59 min.) 22	144 Song of the Gringo—Tex Ritter (62 m.) Nov. 22 128 Captain Calamity—G. Huston-M. Nixon Nov. 29 108 Hats Off—Mae Clarke-John Payne (re) Dec. 6 146 Headin' For the Rio Grande—Ritter (61 m.) Dec. 20 101 Great Guy—James Cagney-M. Clarke (re) Jan. 2 129 We're in the Legion Now—Denny (55½ m.) Jan. 16 152 Scotland Yard Commands—Clive Brook Jan. 23 147 Arizona Days (Grand Canyon)—Ritter (52½ min.) (reset)
Under Cover of Night—MGM		153 Romance and Riches—C. Grant-M. BrianFeb. 13 137 Navy Spy—Conrad Nagel-E. Hunt (reset)Feb. 20
We're on the Jury—RKO (70 Wings of the Morning—20th Co Woman Alone, A—Gaumont-Br Woman in Distress—Columbia	entury-Fox (86 min.) 23 ritish (74½ min.) 19	135 Killers of the Sea—Capt. Casewell
III' Ood G		
Von Only Live Once—United	entury-Fox (70 min.) 15	Invincible Features (1540 Broadway, New York, N. Y.)

Metro-Goldwyn-Mayer (1540 Broadway, New York, N. Y.)	Twentieth Century-Fox Features
1935-36 Season	(444 W. 56th St., New York, N. Y.) 717 Reunion—Dionne Quintuplets-HersholtNov. 20
654 Love on the Run—Crawford-Gable-ToneNov. 20 639 Camille—Garbo-R. Taylor (reset)Jan. 1	719 White Hunter—Baxter-Lang-PatrickNov. 27 726 Banjo on My Knee—Stanwyck-McCreaDec. 4
1936-37 Season 705 All American Chump—Erwin-ArmstrongOct. 16	724 Laughing at Trouble—Darwell-HadenDec. 11 728 Career Woman—Trevor-Whalen-JewellDec. 18
707 Mr. Cinderella—Haley-Furness Oct. 23 710 Our Relations—Laurel-Hardy Oct. 30	725 Stowaway—Temple-Faye-R. Young Dcc. 25 722 One in a Million—Henje-Menjou-Judge Jan. 1
711 Tarzan Escapes—Weissmuller-O'SullivanNov. 6 708 Mad Holiday—Lowe-Landi-HaleyNov. 13	730 Charlic Chan at the Opera—OlandJan. 8 711 As You Like It—Elizabeth BergnerJan. 8
706 April Romance—Tauber	727 Crack Up—Lorre-Donlevy-Wood
No release set for	733 Woman Wise—Hudson-Whalen-BeckJan. 22 735 Lloyds of London—Powers, JrCarrollJan. 29
712 Sinner Take All—Cabot-Lindsay Dec. 18 713 After the Thin Man—W. Powell-Loy Dec. 25	734 The Holy Terror—Withers-MartinFeb. 5 768 Doctor Bull—Will Rogers reissue (79 m.) Feb. 5
715 Under Cover of Night—Lowe-Rice	732 On the Avenue—D. Powell-Carroll-FaycFeb. 12 736 Off to the Races—Jones FamilyFeb. 19
718 Dangerous Number—Young-SothernJan. 22 716 Man of the People—Calleia (reset)Jan. 29	737 Wings of the Morning—Annabella-FondaFeb. 19 738 Nancy Steele Is Missing—McLaglen-LangFeb. 26
721 Mama Steps Out—Brady-Furness-MornerFeb. 5 No release set forFeb. 12	729 Love Is News—Power-Young-AmecheMar. 5 740 Fair Warning—Bromberg-Furness-PayneMar. 12
717 Captains Courageous—Bartholomew (reset)Mar. 26	741 Time Out for Romance—Trevor-WhalenMar. 19 742 Seventh Heaven—Simon-Sewart-DonlevyMar. 26
Paramount Features	
(1501 Broadway, New York, N. Y.) 3612 Big Broadcast of 1937—Burns-AllenOct. 9	United Artists Features
3613 Wedding Present—J. Bennett-GrantOct. 16 3666 Hopalong Cassidy Returns—Boyd (77½ m.).Oct. 23	(729 Seventh Ave., New York, N. Y.) Garden of Allah—Dietrich-Boyer-RathboneNov. 20
3614 Accusing Finger—Kelly-Hunt-K. TaylorOct. 23 3615 Rose Bowl—Brown-Whitney-Crabbe 76½m Oct. 30	Rembrandt—Charles Laughton-G. Lawrence. Dec. 4 Beloved Enemy—Oberon-Aherne Dec. 25
3616 Along Came Love—Hervey-StarrettNov. 6 3617 Easy to Take—Howard-Hunt-PalletteNov. 6	Accused—Fairbanks-Oberon-Aherne Dec. 25 Men Are Not Gods—Hopkins-Shaw-Lawrence (re)
3618 Go West Young Man—Mae West Nov. 13 3619 Hideaway Girl—Ross-Cummings-Raye Nov. 20	Jan. 22 You Only Live Once—S. Sidney-H. Fonda (resct). Jan. 29
3620 Jungle Princess—Lamour-Milland	Fire Over England—Flora Robson-Olivier (re)Feb. 20 The Man Who Could Work Miracles—R. Young Feb. 26
3667 Trail Dust—William Boyd (76½ min.)Dec. 11 3622 Let's Make a Million—Horton-HaddonDec. 18	History Is Made at Night—Arthur-BoyerMar. 5 A Star Is Born—Gaynor-March-MenjouApr. 3
3623 College Holiday—Benny-Burns-Allen Dec. 25 3527 Scrooge—Special December	
3624 The Plainsman—Cooper-ArthurJan. 1 3625 Mind Your Own Business—Ruggles-Brady. Jan. 8	Universal Features
3626 Bulldog Drunmond Escapes—Milland (re)Jan. 15 3627 Doctor's Diary—Bancroft-Burgess (re)Jan. 22	(1250 Sixth Ave., New York, N. Y.) A9030 Yellowstone—Hunter-Bartlett
3628 Champagne Waltz—Swarthout-MacMurray. Jan. 29 Outcast—William-Stone-Morley	(more to come)
John Meade's Woman—Arnold Patrick (re). Feb. 12 Maid of Salem—Colbert-MacMurray (re) Feb. 19	1936-37 Season A1026 The Man I Marry—Nolan-WhalenNov. 1
Borderland—Boyd-Ellison-Wyatt Feb. 26 Clarence—Karns-Whitney-Downs Feb. 26	A1042 Boss Rider of Gun Creek—B. Jones Nov. 1 A1028 Love Letters of a Star—Hunter Nov. 8
Republic Features	A1014 Luckiest Girl in the World—Wyatt Nov. 15 A1023 Flying Hostess—Barrett-Hall-Gargan Nov. 22
(1776 Broadway, New York, N. Y.)	A1036 Conflict—Wayne-Rogers (61 min.)Nov. 29 A1043 Empty Saddles—Buck Jones (62 min.)Dec. 20
6333 Border Phantom—Bob Steele (60 m.) Dec. 28 6012 A Man Betrayed—E. Nugent-K. Hughes Dec. 28	A1029 Three Smart Girls—Barnes-DurbinDec. 20 A1025 Mysterious Crossing—Dunn-DevineDec. 27
6314 Riders of Whistling Skull—Livingston (56 min.)	A1019 Four Days' Wonder—Dante-HowellJan. 3 A1034 The Mighty Treve—Beery, JrReadJan. 17
6101 The Bold Caballero—Livingston (re)Jan. 18 6323 Bar Z Bad Men—Johnny Mack BrownJan. 20	A1031 She's Dangerous—Pidgeon-Birell Jan. 24 A1033 Breezing Home—Barnes-Gargan Jan. 31
6003 Join the Marines—Kelly-Travis (re)Jan. 25 6334 The Trusted Outlaw—Bob SteeleFeb. 1	A1044 Sandflow—Buck Jones (58 min.) Feb. 14 A1021 Girl Overboard—Stuart-Pidgeon Feb. 28
6306 Roundup Time in Texas—G. Autry. Feb. 8 Two Wise Maids—Skipworth-Moran Feb. 15	A1017 We Have Our Moments—Dunn-EilersMar.21 A1030 California Straight Ahead—John WayneMar.28
6324 Gambling Terror—Johnny Mack BrownFeb. 15 Paradise Express—not cast yet (reset)Feb. 22	A1007 Top of the Town—Nolan-Murphy (reset). Mar. 28 A1018 When Love Is Young—Bruce-K. Taylor Apr. 4
Circus Girl—June Travis	A1024 Night Key—Karloff-Rowles-Atwill Apr. 17
6325 Trail of Vengeance—Johnny M. BrownMar. 29	Warner Bros. Features
RKO Features	(321 W. 44th St., New York, N. Y.)
(1270 Sixth Ave., New York, N. Y.) 706 Smartest Girl in Town—Sothern-RaymondNov. 27	121 King of Hockey—Purcell-Nagel-Wilson Dec. 19 123 Smart Blonde—Farrell-MacLane-Shaw Jan. 2
711 The Night Waitress—Grahame	105 God's Country and the Woman—Geo. Brent. Jan. 16 108 (112) Black Legion—Bogart-Sheridan-
703 Winterset—Meredith-Margo	ForanJan. 30 110 The Great O'Malley—O'Brien-BogartFeb. 13 112 Ready, Willing and Able—Keeler-DixonMar. 6
707 Racing Lady—Ann Dvorak (59 min.) Jan. 22 713 Criminal Lawyer—L. Tracy-M. Grahame Jan. 29	THE RESOLVEN WITHING STOLE A DIE-K-REIET-LINOU WAT 6
	124 Midnight Court—Dvorak-Litel
715 They Wanted to Marry—Furness-JonesFeb. 5 716 We're on the Jury—Broderick-MooreFeb. 12 782 Park Avenue Logger—George O'BrienFeb. 26	

SHORT SUBJECT RELEASE SCHEDULE	A6-8 Song Hits on Parade—Headliner (9½m.)Jan. 15
Columbia—One Reel	T6-6 House Cleaning Blues—Betty Boop (6½m.). Jan. 15 G6-3 In Old Wyoming—Musical romance (8½m.). Jan. 15
7701 Krazy's Newsreel—K. Kat (6½m.)Oct. 24 7802 Skiing is Believing—World of Spt. (10½m.) Oct. 26	E6-6 The Paneless Window Washer—Popeye (6m.)
7503 Birds in Love—Color Rhapsodies (7½m.) Oct. 28 7853 Screen Snapshots No. 3—(9½m.) Nov. 20	R6-7 An Underwater Romance—Sport. (9½m.)Jan. 29 Sc6-3 Never Should Have Told You—
7504 Two Lazy Crows—Color Rhapsodies (8m.) . Nov. 26 7752 Dizzy Ducks—Scrappys cart. (6½m.) Nov. 28	Screen Song (7½m.)
7803 Plane Devils—World of Sport (9½ min.) Nov. 28 7951 The Story of Norton I, Emperor of the United	A6-9 Music By Morgan—Headliner (10m.)Feb. 12 P6-7 Paramount Pictorial No. 7—(9½m.)Feb. 12
States—Featurette (9½ min.) Dec. 18 7505 A Boy and His Dog—Color Rhap. (7 min.) Dec. 23	T6-7 Whoops! I'm a Cowboy—Betty Boop (6½m.)
7702 The Merry Cafe—Krazy Kat (7 min.) Dec. 26 7854 Screen Snapshots No. 4—(9½ min.) Dec. 28	(6½m.) Feb. 12 C6-4 Bunny-Mooning—Color Classic Feb. 12 E6-7 Organ Grinder's Swing—Popeye (6m.) Feb. 19
7602 The Runaway Marriage—Court of Human Relations (11 min.)	R6-8 On the Nose—Sportlight (9½m.) Feb. 26 J6-4 Popular Science No. 4 Feb. 26
7506 Gifts from the Air—Color Rhap. (8 min.)Jan. 1 7952 Community Sing No. 1—Featurette (9½ min.) Jan.17	V6-10 It's a Living—Paragraphics
7855 Screen Snapshots No. 5—(9½ min.) Jan. 22 7804 Fishing Thrills—World of Sport (9 min.) Jan. 22	
7903 Gold Quest of the Ages—Tours (10 min.) Jan. 28 7507 Skeleton Frolic—Color Rhap. (7 min.) Jan. 29	RKO—One Reel
Columbia—Two Reels	74304 Singing Wheels—Bill Corum (10½m.)Nov. 20
7402 Fibbing Fibbers—All star com. (18½m.)Oct. 19	74504 Graveyard of Ships—World Par. (10½m.) Nov. 27 74603 Pathe Topics—(10m.)
7352 Love Comes to Mooneyville—Clyde (17½m.) Nov. 14 7403 Ay Tank Ah Go—All star com. (15½m.) Dec. 4	74305 Ladies' Day—Bill Corum (10½m.) Dec. 18 74505 Gold-Mania—World on Parade (11m.) Dec. 25
7404 Free Rent—All star com. (18m.) Dec. 20 7303 Slippery Silks—Stooge com. (17½ min.) Dec. 27	74403 Forest Gangsters—Struggle Live (9m.)Jan. 8 74306 The Ice-Man—Bill Corum (10m.)Jan. 15
7353 Knee Action—Clyde comedy (16½ min.)Jan. 9 7304 Grips, Grunts and Groans—Stooge (19 min.).Jan. 15	74506 Romantic Mexico—World on Par. (10m.)Jan. 22 74604 Pathe Topics No. 4Jan. 29
	RKO—Two Reels
Metro-Goldwyn-Mayer—One Reel	73104 March of Time—(22m.)
C-583 Pay As You Exit—Our Gang com. (11m.)Oct. 24 T-502 Yellowstone Park—Traveltalks (9m.)Oct. 24	73302 Grandma's Buoys—Smart Set (16m.) Dec. 18 73105 March of Time—(19m.) Dec. 25
B-573 Annie Laurie—Tabloid musical (10m.)Oct. 31 T-503 Colorful Island—Traveltalks (8 min.)Nov. 14	73502 Deep South—Hall Johnson Choir (19m.)Jan. 1 73402 Hillbilly Goat—Edgar Kennedy (18m.)Jan. 15
S-555 Hurling—Pete Smith Specialties (10m.)Nov. 14 B-574 Every Sunday—Tabloid musical (10m.)Nov. 28	73106 March of Time—(19m.)
M-525 Hollywood Second Step—MiniaturesDec. 5 C-584 Spooky Hooky—Our Gang com. (11m.)Dec. 5	73602 Singing in the Air—Headliner (19m.)Feb. 19
T-504 Oriental Paradise—Traveltalks (7m.)Dec. 12	
W-531 The Pups' Christmas—cartoon (8m.)Dec. 12	
S-556 Wanted, a Master—Pete Smith (10m.)Dec. 26 B-575 Dancing on the Ceiling—Tabloid musJan. 2	Twentieth Century-Fox—One Reel
S-556 Wanted, a Master—Pete Smith (10m.)Dec. 26	Twentieth Century-Fox—One Reel 7907 Play Girls—Song and comedy (10m.)Nov. 6
S-556 Wanted, a Master—Pete Smith (10m.)Dec. 26 B-575 Dancing on the Ceiling—Tabloid musJan. 2 T-505 Picturesque South Africa—Travel (9m.)Jan. 9	7907 Play Girls—Song and comedy (10m.)Nov. 6 7507 Robin Hood in an Arrow Escape— Terry-Toon (6½m.)Nov. 13
S-556 Wanted, a Master—Pete Smith (10m.)	7907 Play Girls—Song and comedy (10m.)Nov. 6 7507 Robin Hood in an Arrow Escape— Terry-Toon (6½m.)Nov. 13 1604 Dogging It Around the World—Adventures of a News Cameraman (9m.)Nov. 13
S-556 Wanted, a Master—Pete Smith (10m.)	7907 Play Girls—Song and comedy (10m.)
S-556 Wanted, a Master—Pete Smith (10m.) Dec. 26 B-575 Dancing on the Ceiling—Tabloid mus Jan. 2 T-505 Picturesque South Africa—Travel (9m.) Jan. 9 C-585 Reunion in Rhythm—Our Gang (11m.) Jan. 9 S-557 Dexterity—Pete Smith (9m.) Jan. 16 M-526 What Do You Think?—Miniatures Jan. 23 T-506 India on Parade—Traveltalks Feb. 6 S-558 Gilding the Lily—Pete Smith (8m.) Feb. 6 (M-524 "The Rainbow Pass" listed in the last Index as October 31 release, has been postponed.)	7907 Play Girls—Song and comedy (10m.)
S-556 Wanted, a Master—Pete Smith (10m.)	7907 Play Girls—Song and comedy (10m.) Nov. 6 7507 Robin Hood in an Arrow Escape— Terry-Toon (6½m.) Nov. 13 1604 Dogging It Around the World—Adventures of a News Cameraman (9m.) Nov. 13 3704 Touring Brazil—Along Rd. Rom. (9½m.) . Nov. 13 7508 Farmer Al Falfa's 20th Anniversary— Terry-Toon (6½m.) Nov. 27 7606 Legend of the Lei—Treas, Chest. (11m.) Dec. 4 7908 Strike! You're Out—Song hit (10m.) Dec. 11 7509 Cats in a Bag—Terry-Toon (7m.) Dcc. 11
S-556 Wanted, a Master—Pete Smith (10m.)	7907 Play Girls—Song and comedy (10m.) Nov. 6 7507 Robin Hood in an Arrow Escape— Terry-Toon (6½m.) Nov. 13 1604 Dogging It Around the World—Adventures of a News Cameraman (9m.) Nov. 13 3704 Touring Brazil—Along Rd. Rom. (9½m.) . Nov. 13 7508 Farmer Al Falfa's 20th Anniversary— Terry-Toon (6½m.) Nov. 27 7606 Legend of the Lei—Treas. Chest. (11m.) Dec. 4 7908 Strike! You're Out—Song hit (10m.) Dec. 11 7509 Cats in a Bag—Terry-Toon (7m.) Dcc. 11 7607 The Chesapeake Bay Retriever—Treasure Chest (10m.) Dcc. 18
S-556 Wanted, a Master—Pete Smith (10m.)	7907 Play Girls—Song and comedy (10m.)
S-556 Wanted, a Master—Pete Smith (10m.)	7907 Play Girls—Song and comedy (10m.) Nov. 6 7507 Robin Hood in an Arrow Escape— Terry-Toon (6½m.) Nov. 13 1604 Dogging It Around the World—Adventures of a News Cameraman (9m.) Nov. 13 3704 Touring Brazil—Along Rd. Rom. (9½m.) . Nov. 13 7508 Farmer Al Falfa's 20th Anniversary— Terry-Toon (6½m.) Nov. 27 7606 Legend of the Lei—Treas. Chest. (11m.) Dec. 4 7908 Strike! You're Out—Song hit (10m.) Dec. 11 7509 Cats in a Bag—Terry-Toon (7m.) Dcc. 11 7607 The Chesapeake Bay Retriever—Treasure Chest (10m.) Dcc. 18 3705 Land of Ghengis Khan—Rd. Rom. (10m.) Dec. 18 1605 Looking for Trouble—Adv. News (9½m.) Dcc. 18 7510 Skunked Again—Terry-Toon (7m.) Dec. 25 7511 Salty McGuire—Terry-Toon (6½m.) Jan. 8
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S-556 Wanted, a Master—Pete Smith (10m.)	7907 Play Girls—Song and comedy (10m.) Nov. 6 7507 Robin Hood in an Arrow Escape—  Terry-Toon (6½m.) Nov. 13 1604 Dogging It Around the World—Adventures of a News Cameraman (9m.) Nov. 13 3704 Touring Brazil—Along Rd. Rom. (9½m.) Nov. 13 7508 Farmer Al Falfa's 20th Anniversary—  Terry-Toon (6½m.) Nov. 27 7606 Legend of the Lei—Treas. Chest. (11m.) Dec. 4 7908 Strike! You're Out—Song hit (10m.) Dec. 11 7509 Cats in a Bag—Terry-Toon (7m.) Dcc. 11 7607 The Chesapeake Bay Retriever—Treasure Chest (10m.) Dcc. 18 3705 Land of Ghengis Khan—Rd. Rom. (10m.) Dec. 18 1605 Looking for Trouble—Adv. News (9½m.) Dcc. 18 7510 Skunked Again—Terry-Toon (7m.) Dcc. 25 7511 Salty McGuire—Terry-Toon (6½m.) Jan. 8 7512 The Tin Can Tourist—Tcrry-Toon (6½m.) Jan. 22 7909 See Uncle Sol—Song Comedy (11m.) Jan. 29 3706 Western Grandeur—Rd. Romance (9½m.) Feb. 5 7513 The Book Shop—Terry-Toon (6½m.) Feb. 5 7514 The Big Game Hunt—Terry-Toon. Feb. 19 7910 Nothing But the Tooth—Song comedy. Feb. 26  Twentieth Century-Fox—Two Reels 7304 Modern Home—Tim and Irone (19m.) Nov. 27 7305 Just the Type—Rooney-Timberg (20m.) Dcc. 4 7113 The Screen Test—Buster West (19m.) Dcc. 18 7115 Transatlantic Love—Froos-Briarly (20m.) Dcc. 25 7114 High C Honeymoon—Goodelle-Nolan (21m.) Jan. 8 7118 Practically Perfect—Sisters Skillet (21m.) Jan. 15
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Beginning of New Series
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SATURDAY, FEBRUARY 20, 1937

No. 8

#### GUARANTEE NEEDED AGAINST PATENT INFRINGEMENT LAWSUITS

The patent litigation between Tricolor and Technicolor, as treated in last week's Harrison's Reports, brings out the fact that there is no provision in the exhibitor-distributor contracts guaranteeing the exhibitor against either patent or copyright infringement lawsuits.

I have talked with people of other industries handling patented articles and have found out that in every contract there is a provision that guarantees the licensee against lawsuits for patent infringements. Two of the conditions generally prescribed by such a provision are, however: (1) an obligation on the part of the licensee, immediately upon being threatened with patent litigation, to inform the licensor of the fact; (2) a promise by the licensee that the licensor have full control of defending the suit. In return, the licensor undertakes to furnish the attorneys for the defense at his own expense, and to pay all costs and expenses of the suit, including any judgment that might be recovered against the licensee.

The motive that actuates such an arrangement is obvious: the licensor is protected against collusion.

Suppose, for example, a claimant went to a licensee and made a deal with him whereby the latter would not put up a strong defense in a suit brought against him for either patent or copyright infringement in return for a sum of money agreed upon; the rights of the claimant to the patent, or to the copyright, as the case may be, might be established in the district in which the suit were brought.

Suppose further that the understanding between these two covered also an appeal to the Circuit Court of Appeals; if this court should uphold the patent, or the copyright, then the validity of such patent or copyright would be established in the entire country. The legitimate owner of the patent or copyright would then find himself in the same position as the United States Government has repeatedly found itself where it had no part in the court proceedings while Congressional Acts were being nullified by lower courts. He would thus be confronted with a most difficult task—the task of reaching the Supreme Court of the United States for a reversal of the decisions of the lower courts.

On the other hand, where the license agreement contains a provision as suggested, the licensor is protected, because he is in full control of the litigation against the licensee. There is no opportunity for collusion: the licensor, who is in possession of all the data required for the defense of the lawsuit, and whose investment is at stake, is in complete charge of the defense, assisted by his own picked

counsel. Under such circumstances the claimant, if he has no valid claims, will have little chance for success.

Harrison's Reports suggests that the distributors insert in their contracts the provision suggested; they have more to gain than the exhibitors. Practical economic expedience in other industries has given rise to the custom of having such a clause in all license agreements. The same reasons should point out the necessity for its insertion in the exhibitor-distributor contracts.

Incidentally, let me say that Technicolor has already obtained an injunction restraining Tricolor from sending threatening letters to exhibitors. March nine is the date set for the trial of the permanent injunction action.

#### PARAMOUNT'S REPLY TO THE MPTOA TEN-POINT DEMAND

Paramount has replied as follows to the ten trade-reform demands of Motion Picture Theatre Owners of America:

(1) It is willing to allow an exhibitor to cancel ten per cent of the pictures without any conditions.

In view of the fact that Paramount does not set down the purchase of the entire program as a condition for allowing an exhibitor to enjoy the cancellation right, this concession is, in the opinion of this paper, the most substantial made by any of the major companies. Concession granted.

(2) Paramount will co-operate in establishing the conciliation boards.

In view of the fact that the establishment of these boards is proceeding without the cooperation of the independent exhibitor organizations, Harrison's Reports doubts their effectiveness. Accordingly, it does not concede that a concession has been granted.

- (3) It will not let the conciliation boards determine clearance. No concession.
- (4) Overbuying is a matter beyond the distributor's control and must be settled between competing exhibitors. No concession.
- (5) Unfair cut-rate competition between theatres is an exhibitor and not a distributor problem; it must be solved by the exhibitors themselves.

Since no concession on this matter was possible, no concession has been granted.

(6) Paramount has always refrained from renting pictures to non-theatrical institutions.

In view of the fact that Harrison's Reports is not in possession of information to the effect that Paramount has rented pictures to non-theatrical in-

(Continued on last page)

### "Two Wise Maids" with Alison Skipworth and Donald Cook

(Republic, February 15; time, 681/2 min.)

This should please the masses pretty well. It directs considerable human appeal, of the sentimental, "tear-jerker" variety, and has some good comedy bits. Except for the closing scenes, which are somewhat far-fetched, the story is developed intelligently, and is well-acted. One is in deep sympathy with Alison Skipworth, an old-fashioned school teacher, who ruled with an iron hand, but who was lavish in her sympathy and concern for the children under her supervision. The situation that shows her extracting from one of her pupils a tearful confession about her unhappy home life brings tears to the eyes. A pleasant romance has been worked into the plot:—

Miss Skipworth fights for the rights of the poor children in her class and wins many benefits for them. When the principal of the school resigns every one was sure that she would be the new principal, and so every one congratulates her. But she and her friends are disappointed when a younger person (Donald Cook) is brought in as the new principal. The excuse given was that Miss Skipworth was too old. Cook tries to induce Miss Skipworth to resign but she promises him a stiff battle if he should try to oust her. One day Miss Skipworth finds Jackie Searl, a pupil, hurt outside her room; he had entered the room and stolen his examination papers and, unable to leave it because it had been locked in the meantime, had tried to sneak out through the transom. He tells Miss Skipworth that if she should say nothing against him he would not tell any one that he had seen Cook making love to a young teacher (Hope Manning), whom Miss Skipworth loved as her own child. Miss Skipworth agrees to the bargain. Jackie's mother, upon seeing the bruises on his face, insists on bringing charges against Miss Skipworth, who, Jackie said, had pushed him. Things look bad for a time until some of her old pupils, who had become well known personages in public life, are rounded up to give testimony on her behalf. Jackie breaks down and confesses. Miss Skipworth is reinstated, and is happy to learn that Cook was going to marry Miss Manning.

Endre Bohem wrote the story and Sam Ornitz the screen play; Phil Rosen directed it and Albert E. Levoy produced it. In the cast are Polly Moran, Lila Lee, Luis Alberni, and others.

Suitable for all. Class A.

### "Women of Glamour" with Virginia Bruce and Melvyn Douglas

(Columbia, January 28; time, 67½ min.)

This drama has been given a production that is better than average, but it is only fair program entertainment. The plot is so ordinary and so obvious that one knows in advance just what is going to happen; it seems as if the producers tried to make a modernized version of "Camille," but became frightened at the thought of an unhappy ending and made it happy; but it is trite. One is not in sympathy with the romance between Melvyn Douglas and Virginia Bruce, for the reason that another person, Leona Maricle, Douglas' former fiance, suffers thereby. The spectator feels respect for the character impersonated by Miss Maricle and is, therefore, completely in sympathy with her when Douglas switches his affections from her to Miss Bruce.

In the development of the plot, Douglas, a wealthy artist engaged to marry Miss Maricle, becomes enamored of Miss Bruce, a hard-boiled show girl, who poses for him. The friendship with Douglas regenerates Miss Bruce, who tries to live up to his ideas as to how a young woman should look and act. Miss Maricle, realizing that Douglas no longer loved her, gives him up. He rushes to Miss Bruce with the good news; they plan to marry. But Miss Maricle, feeling that Douglas would ruin his career by marrying Miss Bruce, goes to her and pleads with her to give him up. Miss Bruce listens to her pleas and decides to go away with Reginald Denny, a wealthy inebriate. But Douglas stops her and tells her that nothing mattered but their love; she rushes to his arms.

Milton Herbert Gropper wrote the story, and Lynn Starling and Marcy C. McCall, Jr., the screen play. Gordon Wiles directed it. In the cast are Pert Kelton, Thurston Hall, and others.

There is nothing morally unsuitable in it. Class A.

### "Head Over Heels in Love" with Jessie Matthews

(Gaumont-British, January 30; time, 86 min.)

Despite some excellent songs, which have already become popular in the United States, and Jessie Matthews' usual good performance and charm, this is decidedly inferior to her former pictures. She works very hard to "pep" it up, but the conventional plot and trite dialogue are against her. And the production looks cheap in comparison with her other pictures; even the photography is at times poor. Thus the picture will have to depend entirely on Miss Matthews' popularity and charm, and on the excellence of the tunes, for its appeal to the masses. The background is Paris:—

Miss Matthews, an entertainer at an outdoor cafe, accidentally meets Robert Flemyng, an inventor employed at a radio broadcasting station. He falls in love with her and she likes him; but when she meets his ne'er-do-well friend (Louis Borell) she forgets all about Flemyng. She trains Borell to appear as her partner at the cafe; he is extremely clumsy but she is clever enough to cover up his incompetency by doing all the work. On the night that they were to announce their engagement to their friends, Borell meets a well known American screen actress (Whitney Bourne), and is induced by her to leave with her for Hollywood. He forgets about Miss Matthews, who is heartbroken at the turn of events. Flemyng proves his worth as a friend. He gets her a radio contract and within two years she is famous. She decides to marry Flemyng; but he feels that she still loves Borell. When Borell, who had become a famous star, and Miss Bourne arrive in Paris for a visit, he contrives to bring them together with Miss Matthews. This enrages her; she felt that Flemyng should have had faith in her. She breaks up the radio program on which they are to appear, and for this she is banned; she refuses to see Flemyng. Borell suggests that she go to Hollywood with him as his leading lady; after listening to his lie about Flemyng's not loving her, she accepts his offer. The selling of an invention makes Flemyng a rich man. He rushes after Miss Matthews and prevents her from leaving. She is thankful, for she loved him.

Francis de Croisset wrote the story and Marjorie Gaffney the screen play. Sonnie Hale directed it. In the cast are Paul Leyssac, Eliot Makeham, and others.

Suitable for all. Class A.

### "A Doctor's Diary" with George Bancroft, Helen Burgess and John Trent

(Paramount, January 22; time, 74 min.)

A good program drama, centering around the medical profession. The suffering of some of the patients touches one's emotions; this is so particularly in the case of Ra Hould, a young musical genius, who loses the use of his right arm owing to negligence on the part of the doctor, who had been treating him. Most of the story is tied up with this case and with the effect it has both emotionally and professionally on John Trent (hero) and Helen Burgess (heroine). One is in deep sympathy with Trent, who is compelled to fight between the ethics of his profession and his pity for the violinist. He is willing to sacrifice his career to testify at the trial of the case brought by Ra's mother against Sidney Blackmer, the surgeon who had performed the operation. The reason given for Trent's change of mind and his decision to testify for Blackmer instead is logical and in no way lessens the respect one feels for him. The scenes at the trial are dramatic, and come to an exciting climax when Ra's mother shoots Trent for refusing to testify in her favor. The ending is satisfactory: Blackmer, shaken by the shooting, realizes he had been wrong and decides to help Ra. Trent's troubles are over; he recovers and is reinstated in the hospital. He settles his complicated romance with Miss Burgess, who believed all along that he was in love with some one else.

Samuel Ornitz and Joseph Anthony wrote the story, and David Boehm the screen play; Charles Vidor directed it and B. P. Schulberg produced it. In the cast are Ruth Coleman, Molly Lamont, Charles D. Waldron, and others.

Not unsuitable for children or for adolescents. Good for adults, Class A.

### "Devil's Playground" with Richard Dix, Chester Morris and Dolores Del Rio

(Columbia, January 24; time, 721/2 min.)

This is a remake of "Submarine," produced by Columbia in 1928. The first version was excellent, but the present version is only fair program entertainment. For one thing, the "big" scene, which shows the sinking of the submarine and the means employed to rescue the men, is not as thrilling today as it was nine years ago. At that time it was a novelty, but today the public is accustomed to thrills of this type in pictures. Secondly, the love affair is more sordid and less dramatic than it was in the first version, possibly because of the addition of dialogue to an unpleasant situation. Aside from the scenes showing the men trapped in the submarine, the picture lacks excitement, and it moves at a moderate pace:—

Richard Dix and Chester Morris, naval officers attached to the submarine division, are pals. Dix, while on shore leave, meets and falls in love with Dolores Del Rio, a dance hall hostess. He is called back to duty on their marriage night. During his absence she goes back to the dance hall where she meets Morris, who had been given shore leave. She has an affair with him; Morris naturally is unaware of the fact that she is Dix's wife. When he goes to visit Dix he is stunned to find Miss Del Rio is his wife. She, fearful lest he give her away, leads Dix to believe that Morris had tried to make love to her. The two men part enemies ater Dix knocks Morris down. The submarine to which Morris had been detailed is struck and sinks. Dix, the best deep sea diver in service, refuses to help because of his hatred for Morris. But when he learns from his wife that Morris was innocent he rushes to help the trapped men. Through his bravery, all the men are saved. Dix gives up Miss Del Rio and resumes his friendship with Morris.

Norman Springer wrote the story, and Liam O'Flaherty, Jerome Chodorov and Dalton Trumbo the screen play. Erle C. Kenton directed it and Edward Chodorov produced it. In the cast are George McKay, Pierre Watkin, and others.

Not for children, and hardly suitable for adolescents. Adult entertainment. Class B.

### "Fair Warning" with Betty Furness and J. Edward Bromberg

(20th Century-Fox, March 12; time, 68 min.)

A good program murder mystery melodrama. It should prove a treat to followers of this type of entertainment, for the identity of the murderer is concealed so well that when it is finally divulged it comes as a complete surprise. The plot is developed logically; and since the action is kept moving at a fast pace one's attention is held throughout. Although two murders are committed, the story is not gruesome; it has human appeal, which is awakened by the naive manner in which the simple detective goes about solving the case. It also has comedy and romance, and both are worked into the plot without retarding the action. The

Death Valley background is interesting:

J. Edward Bromberg, a storekeeper by trade, who had been appointed local deputy against his will, is called upon to investigate a murder that had been committed at a dude ranch, located in the Death Valley desert. His simplicity leads every one to believe that he was incompetent. Billy Burrud, the mischievous child of one of the guests at the dude ranch, is thrilled at the excitement and prevails upon Bromberg to permit him to act as his assistant. Another murder is committed, and the owner of the ranch, feeling that Bromberg would not be able to cope with the situation, calls for more experienced police. But Bromberg, with Billy's aid, discovers that the reason for the murders was somehow connected with a gold mine. By bringing together at the mine all the suspects, he is able to prove that the murderer is Victor Kilian, the handy man about the ranch, who had discovered the mine and wanted to keep it for himself. John Payne, swimming instructor at the ranch, risks his life to go after Kilian. In a fight, Kilian falls to his death. When the excitement subsides, Payne proposes to Betty Furness, daughter of one of the men who had been suspected because of his interest in the mine.

Philip Wylie wrote the story and Norman Foster, the screen play. Mr. Foster directed it, too, and Sol M. Wurtzel produced it. In the cast are Gavin Muir, Gloria Roy, Andrew Tombes, Ivan Lebedoff, and others.

Despite the murders, children will enjoy it. However, some exhibitors may find it unsuitable for children; therefore, Class B.

### "Penrod and Sam" with Billy Mauch, Frank Craven and Spring Byington

(First National, February 27; time, 64 min.)

This modernized version of Booth Tarkington's delightful story revolving around the activities of young boys is excellent family fare. It combines comedy, human appeal, and pathos, providing entertainment that should be enjoyed by both young and old. It is probably one of the best late pictures in which juveniles are starred. The leading roles are played with skill by the youthful actors. The action moves at a fast pace throughout, culminating in a tensely exciting situation in the closing scenes, where the three leading boy characters are held prisoners by murderous crooks. There are excellent human touches. The situation in which father and son have a heart-to-heart talk and come to an understanding is effective without being maudlin.

The story revolves around a group of boys headed by Billy Mauch. Calling themselves Junior G-Men, they spend their spare time at their "headquarters," mapping out plans to trap crooks. Jackie Morrow, son of the town banker, is disliked by all the boys because of his bullying habits. He picks on Philip Hurley, a small colored boy. Billy resents this and knocks Jackie out. This precipitates a fight be-tween Jackie's father (Charles Halton) and Billy's father (Frank Craven), bank employer and employee respectively. Craven loses his position, but is satisfied that both he and his son are good fighters. Three crooks hold up the bank and then hide in the barn used by the boys as their headquarters. They trap Billy and his pal when they arrive there, and later take Jackie, who had sneaked into the place; they hold them prisoners. An alarm, sent out by Philip, who had seen a man drag Jackie into the barn, brings the police, who capture the criminals. The three boys receive the reward for the capture of the crooks, but decide to turn the money over to Philip, who had lost his mother when the crooks' car had run her down. Jackie, who had displayed spunk, is made a member of the organization. Craven is reinstated at the bank.

Lillie Hayward and Hugh Cummings wrote the screen play; William McGann directed it and Bryan Foy produced it. In the cast are Craig Reynolds, Jack Cunningham, Harry Watson, and others.

Suitable for all. Class A.

## "Mama Steps Out" with Alice Brady, Betty Furness and Stanley Morner

(MGM, February 5; time, 65 min.)

A trite and familiar plot makes this just ordinary entertainment. The players do their best with the mediocre material given them, but they cannot overcome the plot's defects. Most audiences will welcome the musical interpolations, which are of the popular variety. Stanley Morner, as the singing hero, makes a good impression; his voice is pleasant and his personality ingratiating:—

Alice Brady, accompanied by her millionaire husband (Guy Kibbee) and her daughter (Betty Furness), arrives in France for a six-month vacation. Her one hope is to become acquainted with artistically inclined foreigners, and she is determined to keep away from travelling Americans. She resents the fact that Miss Furness was interested in Morner, an American band leader, who had arrived in France to fill engagements. At first Morner tries to evade Miss Furness, but she follows him around, much to his annoyance. Miss Brady, who had almost given up hope, finally meets three European artists and is happy. But Kibbee resents their constant presence in his villa; and so do the servants, who even strike, refusing to serve the eccentric guests. When Miss Furniss sees one of them kiss her mother, she is enraged and tells her mother she would run away with Morner. Miss Brady and Kibbee run after her, and finally find her registered at the same hotel where Morner was staying. After hearing that Morner had received a good radio offer, Miss Brady decides that he is, after all, a good match for her daughter.

The plot was adapted from the play by John Kirkpatrick. Anita Loos wrote the screen play, George B. Seitz directed it, and John Emerson produced it. In the cast are Gene Lockhart, Edward Norris, Gregory Gaye, and others.

There is nothing immoral in the action; so it is suitable for all. Class A.

stitutions it cannot make any comment, except to say that, since no occasion for a concession existed, none was granted to MPTOA.

(7) Because of court decisions, a short-form standard license agreement is not practicable.

Since no concession could be granted on this point of the MPTOA demands, no concession has been granted.

- (8) The score charge is an essential part of Paramount's revenue and they will not forego it. No concession.
- (9) Paramount will not allow the question of "preferred playing time" to be referred to the conciliation boards; it is a matter of negotiation between exhibitor and sales representative of the company. Paramount will continue to handle this question itself. No concession.
- (10) Paramount expects its customers to purchase a reasonable number of shorts. No concession.

When one studies the answers of all the companies, one readily sees that no concessions have been granted except on the point of conciliation boards, which cannot, in the opinion of this paper, function with fairness to the independent exhibitor. How can such boards be fair to them when their very foundation rets on unfairness? No independent exhibitor representatives were asked to take part in their formation.

Warner Bros. will not answer the Kuykendall letter; this company did not take part in the deliberations. As a matter of fact, Warner Bros. will refrain even from appointing representatives to the conciliation boards.

### WHAT AN EXHIBITOR-PUBLISHER HAS TO SAY ON LICHTMAN'S SCORE CHARGE POSITION

Writing on the subject of Lichtman's statement on the score charge, Mr. Jay Emanuel, publisher of *The Exhibitor*, said the following January 15:

"Now that Loew's, Inc., has answered the 10 point letter from Ed Kuykendall, president of the Motion Picture Theatre Owners of America, it becomes more certain that the exhibitors aren't going to get from the distributors much more than they are now already receiving.

"Al Lichtman, speaking for Loew's, Inc., indicates that he believes that the request for elimination of the score charge is 'in effect, a request to lower film rentals.'

"When a distribution executive figures along those lines, it is quite apparent that there is no common ground on which distributor and exhibitor can meet.

"At least Lichtman is frank enough to come out and admit that distributors look upon the score charge as part of the film rental. If this is the case, why make the charge twice? It's an out and out racket forced upon an un-united group. Exhibitors had been told that it was a heritage of the old days when records were used and that was the only reason it was being kept.

"Because exhibitors so requested, this department has been carrying the banner against score charges for years and it will continue to do so until

the score charge disappears. Lichtman's stand is the first that actually recognizes it as just a part of the film rental on the picture. With that as a beginning, it shouldn't be long before the score comes to an end.

"Four companies have answered the MPTOA plea. Others can be expected to do so in the near future. If any surprises develop, the industry will be amazed.

"Even the most optimistic exhibitor did not feel that all the concessions asked for by the MPTOA would be secured from the distributor, but many did think that the distributor leaders would do some slight bending toward the exhibitor's will. Apparently, this isn't to come to pass. True, the 10% cancellation privilege will be secured, but a 20% privilege would be more in line, what with the 'quickies' which are being produced by some of the major companies.

"Only one hope remains now for the independent exhibitor. He can turn toward Congress or make the pretense of looking toward some federal body for relief. This publication does not advocate the idea of having more government in business but if the industry does not show itself able to govern itself, these alternatives are always available. Where is the spirit of 'give' and 'take'? This seems to be where the 'take' only is considered."

Up to this time, Mr. Emanuel believed that a round-table conference between exhibitor representatives and producer executives could settle all the producer-exhibitor disputes; but now he feels differently and suggests that, as long as the producers do not "give" and "take," but only "take," relief may be obtained only from Congress; that is, by legislation. In other words, the Allied advocacy of reforms by legislation was right from its very inception.

### A MODERATE CRITICISM OF THE PICTURE INDUSTRY BY MINISTERS

At a recent convention of Ohio pastors, the motion picture industry came up for discussion, but the criticism was moderate and well tempered.

Here are some extracts from the resolution:

Under the heading, "We Commend": "The Ohio Pastors' Convention commends the motion picture industry for the very obvious improvement in the quality, both dramatic and moral, of many screen productions. We commend the industry for establishing the office of Mr. Joseph I. Breen, whose very difficult task it is to check each picture against the production code of ethics. The highest praise is due Mr. Breen for his fearless, thorough and honest effort."

The convention went against block-booking and blind-selling, and recommended their abolition; protested against the misrepresentation of American life and ideals in pictures that are sent abroad, the subtle propaganda in News Reels in favor of war and armaments, "Bank Nights" and the open ballyhoo for gambling at race tracks, and the drinking scenes.

The excess of drinking scenes in pictures brought about an order recently by Mr. Breen for their suppression.

## HARRISON'S REPORTS

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### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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### MENTAL PYGMIES!

The February 9 bulletin of Motion Picture Theatre Owners of America, signed by Ed Kuykendall, in its usual policy of personal abuse of Allied States leaders, refers to the exhibitor organization as "Al-lied." "Many exhibitors remember," the bulletin states, "when Al-lied was organized for the purpose of fighting MPTOA and to provide jobs for a group of professional organizers who were unable to secure similar positions with MPTOA....

"The usual attack of MPTOA by Al-lied is to charge producer support and that we are financed by the Hays office. Because we think that it is atrocious bad taste for some pint sized exhibitor 'leader' to get up at a national exhibitor convention to try to insult Will H. Hays behind his back as part of an act to shake down heavy dough from weak-minded exhibitors, we are accused of being 'producer owned.' Such a disgusting stunt reflects only on the speaker who pulls it and the organization who tolerates such a performance.

"What are the facts? MPTOA is supported entirely by dues from theatres. We have no high salaried organizers, fat expense accounts, expensive headquarters for lobbying activities to support. No funds have been or are being solicited or received from the Hays office or any producing distributing company. These statements cannot be honestly contradicted. . . . "

There is in New Guinea a race of people whose stature is so small that they are called pygmies. A mental pygmy is the one whose mentality, as compared with the mentality of other human beings, is very small. Such people, whenever they cannot present rational arguments in a controversy, resort to personal abuse. By abusing their opponents they hope to make themselves believed by those who hear what they say or who read what they write.

The publicity agent who wrote the document that bears Kuykendall's signature seems to be such a person, for instead of employing reason to put his point over he resorts to personal abuse. He seems not to have learned his lesson from the last election, during which the voters rebuked those who sought to defeat President Roosevelt by abusing him personally. As to what name should be applied to the person who signs such a document, it is a matter for you to decide.

Let us now examine the statements themselves: The writer of that bulletin denies that the Hays Association finances MPTOA. This is literally true, for the Hays association does not finance MPTOA directly. But in the list of names that are given in that bulletin as being members of the board of directors of MPTOA are the following:

Joseph Bernhard, representing 480 theatres. The author of the bulletin, however, does not state that Mr. Bernhard is the president of the theatre department of Warner Bros.

Y. Frank Freeman, representing 900 theatres. Mr. Freeman is the head of the Paramount-Publix theatre department. But this is not so stated.

E. A. Schiller, representing 125 theatres. Mr. Schiller, being a Loew's, Inc., man, naturally represents the Loew interests on the board.

Spyros Skouras, representing 425 theatres. The theatres Mr. Skouras represents are owned by the Twentieth Century-Fox group.

L. E. Thompson, representing 100 theatres. Mr. Thompson is the head of the RKO theatre department.

There are others on the MPTOA board of directors who are affiliated with the one or the other major producing-distributing company.

Now, though the Hays association does not support financially MPTOA, at least eighty percent of its financial support comes from the affiliated circuits. As a matter of fact, the persons just mentioned alone represent 2,030 theatres. If each of these theatres contributed twenty-five dollars a year for dues, an amount which seems reasonable, the sum of money contributed by them would be \$50,000. It is the testimony that eighty per cent of the money for the support of the Nebraska branch of MPTOA came from producers that prompted Judge Munger, of the district court in Lincoln, Nebraska, in his "Finding of Facts, Conclusions at Law," in the Youngclaus case, to state the following about it:

"The defendants, Motion Picture Theatre Owners Association and C. E. Williams [its president], are and were subsidiaries of and subsidized by the defendant Paramount-Publix Corporation and the defendant, Motion Picture Producers and Distributors of America, Inc. . . ."

The writer of that bulletin, when he said that "MPTOA is supported *entirely* by dues from theatres," told the truth. But he failed to denote what kind of theatres these are. Such an omission keeps the statement from being false, but it does not prevent it from misleading any reader who is unacquainted with the facts. Such a little omission, however, seems to be of no great consequence in the life of such a person, for his object seems to have been, as said, not to be scrupulously accurate in his facts, but to abuse the Allied Leaders, with the hope of drawing away from the Allied organization the support independent exhibitors are giving it, and to place it in the hands of MPTOA,

(Continued on last poge)

### "Maid of Salem" with Claudette Colbert and Fred MacMurray

(Paramount, Feb. 19; time, 85 min.)

Sombre entertainment! It is a grim, relentless account of bigotry, blind mob rule, and cruelty, all of which is supposedly founded on historical facts. As such it may be interesting to scholars and research workers, but it is hardly entertainment for the majority of picturegoers. The second half, which shows the fanatical Puritans punishing those who, in their belief, practiced witchcraft, is so harrowing that it leaves one feeling ill; the ugliest traits of man are brought to the fore. The fact that children are shown as being vicious, adds to the displeasure. Another drawback is the drabness of the background; it is undoubtedly authentic but it is hardly glamorous, for the women, including Miss Colbert, are shown wearing the simple Puritan costumes. The production values are high: the screen play is well written, the direction is masterly, and the acting skilful. But the theme is not entertaining.

The story, which unfolds in the year 1692, revolves around the fanatical Puritans living in Massachusetts. Miss Colbert, who lived amongst them with her aunt and cousin, at times rebels against the enforced soberness of her life. When she meets MacMurray, a rebel from the South, a new and fascinating world opens for her; but she is compelled to meet him surreptitiously for fear lest he be apprehended. A wave of hysteria, started by Bonita Granville, daughter of the leading elder, breaks out amongst the villagers. The child hated their negro slave and, wanting to get even with her, pretends to be "possessed" by her; she screams and throws herself about, moaning that the negress had possessed her. In a short time many innocent people, including the negress, are burned at the stake. MacMurray, knowing that Miss Colbert was in danger because of her sympathy for the victims, tells her she must go away with him. He leaves for Boston to make arrangements for a passage, but is recognized and is thrown into prison. Miss Colbert is arrested for practicing witchcraft. At the trial Gale Sondergaard, the jealous wife of Harvey Stephens, who was trying to help Miss Colbert, blurts out the fact that Miss Colbert's mother had been burned in England for practicing witchcraft. Miss Colbert is sentenced to death. MacMurray escapes from prison and arrives in time to establish Miss Colbert's innocence. Bonita confesses her guilt. Miss Colbert is joyful at the reunion with her lover.

Bradley King wrote the story, and he, Walter Ferris, and Durward Grinstead the screen play; Frank Lloyd directed it and Howard Estabrook produced it. In the cast are Edward Ellis, E. E. Clive, Beulah Bondi, and others. Too harrowing for children. Adult picture. Class B.

### "Outcast" with Warren William, Karen Morley and Louis Stone

(Paramount, Feb. 5; running time, 75 min.)

Depressing! To begin with, the hero, a doctor, is hounded for a crime he had not committed. Coupled with this is a sight that will make many a person turn his head in a shiver: The hero had just performed an operation on a young boy, cutting a slit in his throat and inserting a tube, so that the boy might be able to breathe. His irate mother, a small-town bigot, who had learned of the hero's trial and acquittal, when she finds out that he had performed an operation on her boy without her knowledge (but with the consent of the boy's father), rushes into the room and, in an angry mood, pulls the tube out of its place, thus causing the boy's death. What follows that scene is more disgusting: the small-town folk, having been aroused by the mother, take the hero to a tree with the intention of lynching him; they are prevented from carrying out their purpose only by the intervention of the hero's friend, a retired prominent lawyer, who had employed all the tact of his profession and his knowledge of human nature for the purpose. Situations such as these certainly cannot entertain. Moreover, the situation of the attempted lynching cannot, to be sure, do honor to citizens of the United States abroad; they will be taken as blood-thirsty and lawless. The most pleasant action is that which shows the friendship between the hero and the lawyer. The love interest is routine—the heroine, who had been hounding the hero because she believed that really he had killed her sister-in-law, and that his acquittal had been unjust, learns that he was innocent, and helps the lawyer save his life.

Frank Adams wrote the story, and Doris Malloy and Dore Schary the screen play; Robert Florey directed it and Emanuel Cohen produced it. Three players in the cast are,

Jackie Moran, John Wray, and Christian Rub.
Too strong for children. Passable for adolescents. Adult entertainment. Suitability, Class B.

### "Scotland Yard Commands" with Clive **Brook and Victoria Hopper**

(Grand Nat'l., Jan. 23; time, 61 min.)

This British-made picture is hardly the type of entertainment for American audiences. With the exception of Clive Brook, none of the players are known here. The action is draggy; and at times the plot is so muddled that the spectator will not understand what is happening. Supposedly a mystery thriller, it succeeds only in keeping the audience mystified, but it lacks thrills. The love interest

is fairly pleasant: Brook, upon being rejected by Nora Swinburne, gets drunk and starts driving his car at a fast pace. He finally ends up on a lonely road where he notices men landing machine guns in boxes labeled "carpet sweepers." They knock him out and wreck his car. Some time later, while on his way to Scotland, he stops at a small town and goes to a dance hall where he meets Victoria Hopper, one of the hostesses. They become good friends. Accidentally he learns that her brother is in the carpet sweeper business and he immediately connects him with one of the gang. In order to make things easier for her, he persuades her to spend a vacation at his country home. He asks her to accompany him to Scotland Yard. She is surprised when she is crossexamined about her brother; she soon learns the truth. Brook suggests that she find her brother; he promises to get the best lawyer for him. Miss Hopper locates him and brings him to Brook's home for a meeting with Scotland Yard men. Two members of the gang, who had followed the brother, shoot and kill him before he had time to testify; Miss Hopper is wounded. Brook rushes after the men and, with the help of the officers, succeeds in rounding up the gang. He loves Miss Hopper and asks her to marry him.

The plot was adapted from the novel by Nevil Shute. James Flood and Gerard Fairlie wrote the screen play. James Flood directed it and Basil Dean produced it. In the cast are Malcolm Keen, Cecil Ramage, and others

The shooting makes it unsuitable for children. Adult en-

#### tertainment. Class B.

### "John Meade's Woman" with Edward Arnold, Francine Larrimore and Gail Patrick

(Paramount, Feb. 12; time, 81 min.)

This will need all of Edward Arnold's popularity to put it across. The story is far-fetched to the point of ridiculousness, and the characters are unsympathetic. Edward Arnold portrays a mercenary, boorish millionaire, whose actions throughout are detestable; for that reason his death in the end does not even touch one. Francine Larrimore, a well known stage actress, but a newcomer to the screen, shows ability in the emotional scenes; but her part is so badly written that one is only in mild sympathy with her. Supposedly an innocent farm girl, she is made to interpret her part in the fashion of a tough gangster's moll. Mark it down as higher than program in production values, but

only program in entertainment values:-

Arnold, a millionaire lumber king, is engaged to Gail Patrick, a society girl who was planning to marry him for his money. While driving to his home, he stops for a signal light and notices Miss Larrimore, who was waiting to cross. She, being hungry, heaps insults at him, much to his indignation. But he is intrigued by her and takes her to his home where he feeds her, but she refuses to accept money. He telephones to George Bancroft, his lumber camp manager, asking him to come to Chicago for a new business venture. Arnold, who had known all along that Miss Patrick hated him and was having an affair with Sidney Blackmer, decides to get even with her by marrying Miss Larrimore on the very day he was to marry her. Miss Larrimore, when she finds out why he had married her, upbraids him and leaves him, going back to the farm. There she learns that he had bought the mortgages on all the farms, because he knew the farmers could not meet them on account of the drought, intending to foreclose and thus corner the wheat market. She organizes the farmers to fight him, and when he arrives they try to lynch him, but are stopped by officers of the law. A dust storm arises and ruins all the land, and Arnold. Finding himself a ruined man, he begs Miss Larrimore for a reconciliation. Just at that moment, an irate farmer shoots him.

John Bright and Robert Tasker wrote the story, and Herman Mankiewicz and Vincent Lawrence the screen play; Richard Wallace directed it, and B. P. Schulberg produced it. Three of the supporting players are John Trent, George Bancroft, and Irene Pringle.

Not for children, nor for adolescents. Adult entertain-

ment. Suitability, Class B.

### "The Man Who Could Work Miracles" with Roland Young

(London Film-United Artists, Feb. 26, time, 801/2 min.)

This fantastic comedy-melodrama is, as far as American audiences are concerned, extremely limited in its appeal. The fault lies mainly in the fact the story is fantastic. It takes one viewpoint on how the ills of the world could be cured, and then another; but it does so in a somewhat ponderous and unconvincing fashion, and never seems to get anywhere. Several of the situations are laugh-provoking; they portray the fright and incredulity of the simple hero, who had been endowed by a heavenly lord with the ability to work miracles. The romantic interest is not so appealing.

In the development of the plot, Roland Young, a simple clerk in a London department store, is chosen by a heavenly lord as the man upon whom he had decided to endow the ability to work miracles, his purpose being to test a human being with such power at his command. Young is naturally confounded by his ability to work miracles, and does not know what to do with it. He is given advice on all sides, first by greedy business men, who wanted him to turn his miracles to their advantage, and finally by a fanatic, who suggested that he change the world into a moral, law-abiding place. This disturbs many who were satisfied with the world as it is and did not want any fanatic to show them how to live. Young, tired of the bickering, decides to take matters into his own hands: he summons the leaders of the different nations of the world at a special meeting, and orders them to change their methods of dealing with worldly problems and to consider the masses, threatening them with death if they disobeyed. But he is unable to cope with the situation. Finally he works a miracle on himself; he changes himself back to a simple clerk with no supernatural abilities. He is content to be just an ordinary man. The heavenly lord expresses his opinion that mankind will eventually become a nobler race.

H. G. Wells wrote the story and screen play; Lothar Mendes directed it, and Alexander Korda produced it. In the cast are Ralph Richardson, Edward Chapman, Sophie Stewart, Ernest Thesiger, and others.

Morally suitable for all. Class A.

### "Clarence" with Roscoe Karns and Charlotte Wynters

(Paramount, Feb. 26; time, 76 min.)

When Paramount first produced this in 1922, it made it into entertainment people enjoyed. But standards of entertainment have changed since then, and the new version of "Clarence" is hardly acceptable fare today; it is distinctly a mediocre program picture. By considerable padding, the thin plot was stretched out to feature length, but the action drags. The players are not popular enough to attract picture-goers; nor do they enact their roles with any particular skill. None of the situations provokes more than a grin:-

Roscoe Karns, a timid professor mistaken for a downand-out soldier, accidentally becomes part of the household of Eugene Pallette and his family. He finds everything in a hectic state: Spring Byington, Pallette's second wife, is jealous of Charlotte Wynters, guardian to Eleanore Whitney, Pallette's daughter. Miss Whitney imagines herself to be in love with Theodore VonEltz, a fortune hunter old enough to be her father. Johnny Downs, the son, professes to be in love with Miss Wynters, but is pestered by Inez Courtney, the housemaid, who was trying to blackmail him because he had once kissed her. Without knowing anything about Karns, the whole family accepts him and finds him a very useful and comforting person; he could fix anything, play the piano and saxophone, and say nice things. He sets everyone straight. Eventually they learn who he is and regret that he has to leave them to continue his own work. He proposes to and is accepted by Miss Wynters, who is glad to leave the Pallette family.

The plot was adapted from the play by Booth Tarkington. Seena Owen and Grant Garrett wrote the screen play. George Archainbaud directed it.

Morally suitable for all. Class A.

### "Sea Devils" with Victor McLaglen, Preston Foster and Ida Lupino

(RKO, March 5; time, 87 min.)

A good melodrama. It has fast and exciting action, a breezy romance, and enjoyable comedy, which is of the boisterous type, for it is provoked mostly by the quarreling between two hot-heads, Victor McLaglen and Preston Foster, McLaglen's romantic clashes with Helen Flint are laugh-provoking. The closing scenes, which show the Coast

Guard men, headed by McLaglen, rescuing passengers from a stranded yacht during a storm, are enacted with realism; they hold one in tense suspense. One's emotions are touched by McLaglen's sacrifice at the end when he sends Foster

to shore in the life buoy, and he goes down with the ship:—
McLaglen, a Coast Guard petty officer, takes pride in his work and in his daughter (Ida Lupino). His one wish is that she marry Woods, also in the Coast Guard, for he felt that Woods was a sober and intelligent person, the direct opposite to himself. He realized that he had not made his own wife happy and did not want his daughter to go through the same unhappiness her mother did. But Miss Lupino accidentally meets Foster, a sailor of her father's type, tough and quarrelsome, and falls in love with him. This so enrages McLaglen that he warns Foster to stay away from his daughter; but to no avail. Foster is assigned to McLaglen's ship and is put through all sorts of menial tasks. Their constant quarreling ends in a serious fight while they and several other men were on an iceberg, which they intended to crack up by dynamiting. During their fight, the motor boat in which they were to return to their ship is cast adrift. Woods, in an effort to reach the fuse to prevent the explosion, is injured, and eventually dies from his wounds. This breaks McLaglen's heart, for he had loved him as his own son. Foster is put in jail, from which he escapes when he hears that McLaglen was going out in the storm to rescue passengers on a stranded yacht. A buoy is shot across to the yacht and the passengers and Coast Guard men, who had gone out to their help, are saved. McLaglen, after having knocked out Foster in order to save his life by sending him in the buoy which could hold just one more person, goes down with the ship. This sobers Foster; he marries Miss Lupino and leads the type of life he knew McLaglen had wished for his daughter.

Frank Wead, John Twist, and P. J. Wolfson wrote the original screen play. Ben Stoloff directed it, and Edward Small produced it. In the cast are Gordon Jones, Pierre Watkin, and others.

Suitable for all. Class A.

### "When You're in Love" with Grace Moore

and Cary Grant
(Columbia, Feb. 27; time, 108 min.)
This is only fair entertainment; it may prove disappointing to Miss Moore's followers. For one thing, the music is neither plentiful nor some of it up to the standard expected for a singer of Miss Moore's talents; for another, the story is artificial and trite, and the action slow. Miss Moore and Cary Grant try to put some meaning into their respective parts, but they are handicapped by poor material and the fact that their actions are not sympathy-awakening. The most appealing song is the one which Miss Moore sings surrounded by a group of children, who join in the chorus with her. As a direct contrast to the type of music expected, Miss Moore sings the famous Cab Calloway jazz song "Minnie the Moocher" and does it surprisingly well; it should be relished by the masses. The romance is rou-

tine, but fairly pleasant: Miss Moore, a well known Australian opera singer, waits in Mexico for her quota number to enter the United States; she had promised her uncle (Henry Stephenson) that she would sing his music in a festival he was to conduct. She is heartbroken when she is told that the quota had been filled and that she could not enter the States. Realizing that her only chance to enter was to marry an American, she picks Cary Grant, a wandering Americanborn artist, who had intrigued her when first she met him. He willingly agrees to the suggestion because he had fallen in love with her, signing an agreement to divorce her within six months. Once in the States, she forgets about Grant until he pays her an unexpected visit. He expresses contempt for the sycophants surrounding her and for the artificial life she led. He takes her to his home in the suburbs and introduces her to simple, honest folk, who lived in a manner entirely different from hers. Happy and madly in love with him, she is ready to abandon everything for him. But a call from her agent reminds her of her duty to her uncle. Instead of telling Grant why she had to return, she lets him believe that her career meant more than her love. Thus they part. He goes to Mexico and obtains a divorce. Eventually he finds out about her sacrifice, and asks for forgiveness; they are reconciled.

The plot was based on an idea by Ethel Hill and Cedric Worth. Robert Riskin wrote the screen play and directed the picture. Everett Riskin produced it. In the cast are Aline MacMahon, Thomas Mitchell, Catherine Doucet, Luis Alberni, and others.

Suitable for all, Class A.

representing the interests, not of the independent exhibitors, but, in the main, of the major companies. So it is not only not "atrocious bad taste" for the Allied leaders to charge that MPTOA is financed by the Hays association, but it is in perfectly good taste, because it is actually truthful, even though the money does not come directly from the Hays Association's treasury.

In addition to the indirect misstatements, the writer of that bulletin has made also some direct misstatements. For instance, he says that Col. H. A. Cole owns no theatres, and has had no experience whatever in theatre operation. Mr. Ray Tesch, general manager of the Allied unit in Milwaukee, has written me the following on this subject:

"Col. H. A. Cole, of Texas, visited me yesterday and he challenged the words, 'None,' 'None' after his name, for he has four theatres and has been in the business for quite a number of years, as you undoubtedly know yourself." I corroborate this statement, for I know Col. Cole for many, many years. The writer of that bulletin, or at least the person whose signature the document bears, should have shown some respect for Col. Cole, for he fought in the World War as Colonel of Artillery; the facts should have at least been investigated and stated truthfully.

Mr. Tesch says also that Ed. Maerts, of Milwaukee, has had many years of actual experience in theatre operation, yet the bulletin has a question mark regarding his experience, indicating that the author did not know anthing about Mr. Maerts' experience. Besides, none of those that are mentioned in the column, with the exception of Mr. Myers, is a member of the Allied Board of Directors, as the bulletin states. This proves conclusively what I have already said—that the author's purpose was, not to be scrupulously accurate as to his facts, but to abuse the Allied leaders.

If the producers think that methods of this kind can get them anywhere, they can certainly let the author of that bulletin continue the campaign of abuse. But some one from among the Allied leaders should call the attention of the Congressional Committees in charge of the Neely-Pettengill Bill to this campaign of misleading propaganda and misstatement of facts.

#### ANTI-INDUSTRY BILLS

"An avalanche of legislation, including two censorship bills," says the February 16 issue of The Film Daily, "has descended on the film industry during the past few days, according to reports from The Film Daily correspondents throughout the country."

The write-up then gives details of the tax measures pending in different spots of the country.

Some of the measures affect distributors and exhibitors alike; but some of them affect only distributors. Consequently a unity of effort will be required to fight off all the bills successfully.

But before unity may be effected, the producers must show some willingness to come through with real concessions.

One of the proofs that will convince the independent exhibitors of their sincerity is for them to

drop the employment of the exhibitor organization they are subsidizing and to call the Allied leaders into a conference. These leaders are the only true representatives of the independent exhibitors and it is to them that they must look for the bringing about of a united front. The independent exhibitors long ago came to the conclusion that cooperation between them and the producers does not result to their advantage and are reluctant to give these producers any aid, even when their own interests are affected, for they have learned from experience that the producers will drop them as soon as their own interests are taken care of, or will render the independent exhibitors no aid whatever when they find out that their position is not improved by the rendering of such aid.

Good intentions must be shown by the producers if they should expect the independent exhibitors to help them fight off adverse legislation.

### SCORE CHARGE PART OF FILM RENTAL

If any proof were needed that the score charge is part of film rental, it has been furnished by Al Lichtman, of Loew's, Inc., when he answered the 10-point demand of MPTOA. Here is what Mr. Lichtman said:

"In setting film rental in license agreements the exhibitor and the salesman have invariably taken into consideration the provision for score charges. Consequently, your request for the elimination of score charges is in effect a request for lower film rentals. We do not think that this request could consistently be made since it has always been and must be a question of negotiation between the individual exhibitor and the sales department what the individual exhibitor shall pay for film license."

This is the first time that a distributor of the magnitude of Metro-Goldwyn-Mayer has admitted that the score charge is no longer a charge to reimburse the producer for monies he paid out for the right to record copyrighted music but an outand-out film rental.

When the film salesmen come around to sell you the 1937-38 season's product, show them this statement of Lichtman's and demand that the score charge and the film rental be made into one item. There is no longer an excuse why there should be a separate place for something that belongs to the film rental, no matter whether such rental is "flat" or determined by a percentage of the gross receipts.

Incidentally, while we are on the subject of computation of film rentals by the percentage method, let me add that the practice of compelling the exhibitor to pay for the shorts during percentage engagement is certainly atrocious to say the least. When a distributor offers to let you play his pictures on a percentage basis, he becomes a partner of yours for that particular engagement. It is no more than fair, therefore, that he should furnish the show complete. As a matter of fact, you may refuse to show the shorts and the distributor will have no recourse; a feature film would then be shown without any shorts, unless of course the owner of the percentage feature saw fit at the last moment to supply them.

## HARRISON'S REPORTS

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### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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### Box Office Performances of 1936-37 Season's Pictures

#### Columbia

The following are the box office performances of the different companies' 1936-37 season's pictures:

"The Man Who Lived Twice," with Ralph Bellamy, Isabel Jewell and Marian Marsh, directed by Harry Lachman, from a screen play by Tom Van Dycke, Arthur Strawn, and Fred Niblo, Jr.: Well produced but the box office results have been poor.

"Craig's Wife," with Rosalind Russell and John Boles, directed by Dorothy Arzner, from a screen play by Mary C. McCall, Jr.: Good.

"Adventure in Manhattan," with Jean Arthur and Joel McCrea, directed by Edward Ludwig, from a screen play by Sidney Buchman, Harry Sauber, and Jask Kirkland: From very good to good.

"Legion of Terror," with Bruce Cabot and Marguerite Churchill; directed by C. C. Coleman, Jr., under the supervision of Ralph Cohn: Fair to poor.

"Come Closer Folks," with James Dunn and Marian Marsh, directed by D. Ross Lederman, under the supervision of Ben Pivar, from a screen play by Lee Loeb and Harold Buchman: Poor.

"Theodora Goes Wild," with Irene Dunne and Melvyn Douglas, from a story by Mary McCarthy and a screen play by Sidney Buchman: Excellent.

"North of Nome," with Jack Holt and Evelyn Venable, directed by William Nigh under the supervision of Larry Darmour, from a screen play by Albert DeMond: Fair to poor.

"Lady From Nowhere," with Mary Astor and Charles Quigley, directed by Gordon Wiles, from a screen play by Arthur Strawn and Joseph Krumgold: Poor.

"Pennies from Heaven," with Bing Crosby and Madge Evans, directed by Norman Z. McLeod under the supervision of Emanuel Cohen, from a screen play by Joe Swerling: Very good.

"Beloved Vagabond," with Maurice Chevalier, produced in England: Poor.

"More Than a Secretary," with Jean Arthur and George Brent, directed by Alfred E. Green, under the supervision of Everett Riskin, from a screen play by Dale Van Every and Lynn Starling: Good.

"Counterfeit Lady," with Ralph Bellamy and Joan Perry, directed by D. Ross Lederman, under the supervision of Ralph Cohn, from a screen play by Thomas Van Dycke: Fair.

"Find the Witness," with Rosalind Keith and Charles Quigley, directed by David Selman, under the supervision of Ralph Cohn, from a screen play by Grace Neville and Fred Niblo, Jr.: Poor.

"Woman in Distress," with May Robson, Irene Hervey, and Dean Jagger; directed by Lynn Shores, under the supervision of Ralph Cohn, from a screen play by Albert DeMond, a program melodrama: Fair to poor.

"Devil's Playground," with Richard Dix, Chester Morris, and Dolores Del Rio, directed by Erle C. Kenton, under the supervision of Edward Chodorov, from a screen play by Liam O'Flaherty, Jerome Chodorov, and Dalton Trumbo: From good to fair.

Up to "Devil's Playgrond," 15 have been released, excluding westerns. Rating them all, we get the following results:

Excellent, 1; Very Good, 1; Very Good to Good, 1; Good, 2; Good to Fair, 1; Fair, 1; Fair to Poor, 3; Poor, 5.

The first 15 of the 1935-36 season (westerns and Kyne stories excluded) were rated as follows:

Very Good, 1; Fair, 1; Fair to Poor, 1; Poor, 12. The 1936-37 season's program shows some improvement over the 1935-36.

#### First National

"Stage Struck," with Dick Powell and Joan Blondell, directed by Busby Berkeley, under the supervision of Robert Lord, from a screen play by Tom Buckingham: Good to fair.

"Down the Stretch," with Patricia Ellis and Mickey Rooney, directed by William Clemens, under the supervision of Bryant Foy, from a screen play by William Jacobs: Fair.

"Here Comes Carter," with Anne Nagel and the late Ross Alexander, directed by William Clemens, from a screen play by Roy Chanslor: Poor.

"The Captain's Kid," with Guy Kibbee, and Sybil Jason, directed by Nick Grinde, from a screen play by Tom Reed: Fair to poor.

"The Case of the Black Cat," with Ricardo Cortez, directed by William McGann under the supervision of Bryan Foy, from a screen play by F. Hugh Herbert, a fairly good program murder story: Fair.

"Three Men on a Horse," with Frank McHugh, Joan Blondell, and Allen Jenkins, directed by Mervyn LeRoy, under the supervision of Sam Bischoff, from the stage play by John Cecil Holm, a good farce-comedy: Good (the reports varied from very good to fair).

"Gold-Diggers of 1937," with Dick Powell and Joan Blondell, directed by Lloyd Bacon under the supervision of Hal B. Wallis, from a screen play by Warren Duff: Good.

"Sing Me a Love Song," with James Melton, Patricia Ellis, and Hugh Herbert, directed by Raymond Enright, from a screen play by Sid Herzig and Jerry Wald: Good to fair.

"Once a Doctor," with Jean Muir and Donald Wood, directed by William Clemens, under the supervision of Bryan Foy, from a screen play by Robertson White and Ben Grauman Kohn: From fair to poor.

"Stolen Holiday," with Kay Francis, Claude Rains, and Ian Hunter, directed by Michael Curtiz, under the supervision of Harry Joe Brown, from a screen play by Casey Robinson: Good.

Rating the ten pictures so far reported in the 1936-37 season, we get the following results:

Good, 3; Good to fair, 2; Fair, 2; Fair to Poor, 2; Poor 1.

The first ten of the 1935-36 season were rated as follows: Excellent, 2; Very Good, 2; Good to Fair, 1; Fair, 3; Poor, 2.

The box office performance of this season's first ten, as compared with last season's first ten pictures has fallen down very much. Last season there were two pictures of Excellent and two of Very Good box office performance, whereas this season there has been no picture of either rating.

#### Metro-Goldwyn-Mayer

"Women Are Trouble," with Stuart Erwin, Paul Kelly and Florence Rice, directed by Errol Taggart, from a screen play by Michael Fessier, under the supervision of Lucien Hubbard: Fair.

"The Great Ziegfeld," with William Powell, Myrna Loy, Louise Rainer, and Frank Morgan, directed by

(Continued on last page)

### "When's Your Birthday?" with Joe E. Brown

(RKO, Feb. 26; time, 77 min.)

An excellent comedy; it is a credit to David L. Loew, considering that this is his first effort as a producer. The story, which is ideally suited to Joe E. Brown's particular brand of comedy, is somewhat novel; and it is comical as well as exciting. One is held in tense suspense to the very end, for fear lest Brown, an amateur astrologer, who had made a prediction that he could win a fight provided the moon would rise at a certain time, might lose. The fight scenes, which show Brown hopefully looking for the moon, are so cleverly contrived, that they provoke hearty laughter. One of the funniest moments during these scenes is that which shows Brown all enthused when he thinks he sees the moon, only to become crestfallen when he realizes it is only an advertisement. The picture opens in a novel manner, with an animated color cartoon. This later develops to be a dream, which Brown was having while unconscious from a blow. There are many comical situations, in which Edgar Kennedy helps Brown to provoke laughs. The romance is pleasant-

Brown, whose only reason for being a fighter was to make enough money to study astrology, decides to give up fighting to become a waiter. He attracts the attention of a noted sportsman (Minor Watson) when he makes a prediction about a certain race. Frank Jenks, Watson's henchman, threatens to kill Brown if his prediction went wrong. Brown, frightened, runs away; he becomes associated with Fred Keating and Marian Marsh in a fortunetelling booth. They are arrested and taken to court where the Judge, a friend of Watson's, recognizes Brown and tells him that Watson had been looking all over for him. Brown is employed by Watson to make predictions about sports events. He is ordered to make up the horoscope for a certain fighter; but, being distracted because of a lover's quarrel with Miss Marsh, he makes up his own horoscope, which shows that everything is in his favor on the night of the fight. Watson, believing it to be the fighter's horoscope, bets on the fight a fortune. He is enraged when he learns about the mixup. He forces Brown to take the place of the challenger. According to his horoscope, Brown could win only if the moon rose. He goes into the ring trembling, for the moon was not yet visible. He was being beaten pretty badly when the moon appears; this gives him courage and he wins. He is joyfully reunited with Miss Marsh.

The plot was adapted from a play by Fred Ballard. Harry Clork wrote the screen play, and Harry Beaumont directed it. In the cast are Maude Eburne, Suzanne Kaaren, Margaret Hamilton, and others.

Good for all. Class A.

### "Don't Tell the Wife" with Guy Kibbee, Una Merkel and Lynne Overman

(RKO, Mar. 12; time, 621/2 min.)

Below the average program picture. The plot, revolving around crooked stock promoters, is made up of familiar ingredients. Mild laughter is provoked here and there by wisecracks, but even these are made up of familiar gags. No one does anything to awaken sympathy—the hero and his pals are crooks, and their innocent victims behave so stupidly that one is not interested in what happens to them. There is no romantic appeal:—

Thurston Hall, upon his release from prison, tells his pals that he had won a mine in a poker game with a cellmate and intended to sell stock in a company that he would form even though he believed the mine to be worthless. He realizes that he needed the help of Lynne Overman, his former partner in crime, who, upon his marriage to Una Merkel, had reformed. Overman welcomes a visit from Hall, for he was bored with his farm life; he agrees to head the company and even promises to induce his wife to invest all her savings in the company. He succeeds in doing this by insisting that the company was a legitimate one; he even introduces her to the "president," none other than Guy Kibbee, the naive financial columnist of a country paper, whom they had induced to head their company be cause of his impressive name. Both Miss Merkel and Kibbee find out in time about the deception. Kibbee decides to take matters into his own hands; he goes out west to investigate the mine and finds out that there is much gold in it. He buys all the company stock in Miss Merkel's name, much to the sorrow of Hall and his henchmen, who find out too late that the mine was valuable. By promising her that he would never again enter into any shady business. Overman obtains Miss Merkel's forgiveness.

The plot was adapted from the play "Once Over Lightly," by George Holland. Nat Perrin wrote the screen play; Christy Cabanne directed it and Robert Sisk produced it. In the cast are Guinn Williams, Frank M, Thomas, Lucille Ball, William Demarest, and others.

Not suitable for children. Adult entertainment. Class B.

### "Fire Over England" with Flora Robson and Laurence Olivier

(London Films-United Artists, Feb. 20; time, 84 min.)

An excellent class picture; it is a costume melodrama set against the background of Queen Eilzabeth's reign. The production is lavish, and the acting by the capable cast of British players is flawless. It brilliantly depicts the court intrigues and the constant battle of wits between the rulers of England and Spain to retain their respective powers. The constant plotting holds one in suspense throughout. However, it may not go over as well with the masses as with the class audiences, for it stresses the political rather than the human side of the reign. The slight romantic interest is pleasant but of little significance. There is only one scene that touches one's emotions it is where the hero, learning that his father had been burned by the Spaniards, breaks down with grief.

The story unfolds during the period in Queen Elizabeth's reign when she was having difficulties with Spain and was threatened with the possibility of being attacked by the Spanish Armada. The Queen chooses Michael Ingolby (Laurence Olivier) to attempt the difficult task of getting information from the Spanish court as to who the English plotters were who were conspiring with Spainagainst their Queen. Michael, by posing as one of the plotters, gains access to the court and is about ready to leave with the necessary information when his identity is discovered. One of the Spanish lords, unwilling to bring disrepute to his wife who had known Michael's identity but had not divulged it because of family friendship, permits him to escape. He returns to England with the information his Queen wanted. The guilty lords are brought before the Queen and express regret for what they had done; they offer their lives to help defeat the Spanish Armada. She sends them out under Michael's command, to defeat the Spaniards. The ships are burned and England once more feels safe. The Queen gives her consent for Michael to marry Lady Cynthia, her lady-in-waiting.

The plot was adapted from the novel by A. E. W. Mason. Clemence Dane and Sergei Nolbandov wrote the screen play; William K. Howard directed it and Erich Pommer produced it. In the cast are Vivien Leigh, Leslie Banks, Raymond Massey, Tamara Desni, and others.

Suitable for all. Class A.

### "Paradise Express" with Grant Withers and Dorothy Appleby

(Republic, Feb. 22; time, 59 min.)

This railroad program melodrama should satisfy followers of outdoor action pictures, who are not too exacting in their demands for logical stories. It has fast and exciting action, caused by the villains' efforts to put the small railroad line, of which the hero (Grant Withers) was the Receiver in Bankruptcy, out of business and thus corner freight for their bus line. The closing scenes are the most thrilling; there the hero and his assistants run their freight train in a race with the bus line, in order to prove to the farmers that they were just as good as they used to be. The villains' efforts to incapacitate them cause thrills. Interwoven in the plot is a pleasant romance between the heroine (Dorothy Appleby), granddaughter of the owner of the line, and Withers, whom she at first resented, thinking he wanted to ruin the company, but who later found him to be seriously concerned with building up the railroad's business. A few amusing comedy bits are used to good avail. The story ends in the expected manner: the hero wins the freighting contract from the farmers, the villains are rounded up, and the hero and the heroine are united.

Allan Vaughan Elston and Paul Perez wrote the story, and Jack Natteford and Betty Burbridge, the screen play; Joseph Kane directed it. In the cast are Arthur Hoyt, Maude Eburne, Donald Kirke, and others.

Suitable for all. Class A.

### "Love Is News" with Loretta Young, Tyrone Power and Don Ameche

(20th Century-Fox, March 5; time, 78 min.)

A romantic comedy, which, despite the familiarity of its plot, is very good entertainment for the masses. The addition of a few new twists makes it refreshing and exciting fare. The leading players enact their respective parts with zest and are responsible for the breezy and enjoyable quality of the picture. One is held in suspense throughout because of the pranks the hero and the heroine play on each other, which lead them into exciting situations. The funniest situation is where they are both sentenced to jail terms by Slim Summerville, a small-town judge, who resented their arrogant manner. Summerville adds to the comedy by his amusing characterization. The things that happen at the jail, such as the cell doors falling down, and Summerville's sly attempt to play a slot machine that had been brought to the court as evidence against an offender, should provoke hearty laughter. The romance is extremely pleasant, ending in a manner to please audiences:—

Miss Young, supposedly the richest girl in the world, is hounded by newspaper men wherever she goes. Annoyed at the fact that she had been tricked into an interview by Tyrone Power, a reporter, whose editor (Don Ameche) had threatened to discharge him unless he brought back a story about her, she decides to teach him a lesson and show him how distasteful undesired publicity could be. She announces to all newspapers, except Power's, that she had broken her engagement to a Count and that she was going to marry Power instead. Ameche thinks Power had double-crossed him and throws him out. Power is besieged by reporters and salesmen, who refuse to believe his story that he had been framed. Miss Young keeps up the farce for she had actually fallen in love with Power, as he had with her. They quarrel, land in jail, and have many exciting experiences. Miss Young, in an effort to stop her cousin from marrying the fortune-seeking Count, pretends that she loved him and sends a notice to the newspapers of her forthcoming marriage to him. Power, not knowing that she had jilted the Count immediately after the announcement, insults her when next he sees her. Power is surprised when he is offered the job of managing editor on his old paper; he did not know that Miss Young's uncle had bought an interest in it and had secured his appointment. When everything is explained, the lovers are reconciled and plan to marry.

William R. Lipman and Frederick Stephani wrote the story, and Harry Tugend and Jack Yellen the screen play. Tay Garnett directed it and Earl Carroll and Harold Wilson produced it. In the cast are Dudley Digges, Walter Catlett, George Sanders, Jane Darwell, and others.

Suitable for all. Class A.

### "The Last of Mrs. Cheyney" with Joan Crawford, William Powell and Robert Montgomery

(MGM, Feb. 19; time, 98 min.)

A good class audience picture. Metro produced it in 1929, with Norma Shearer in the leading role; but although Miss Shearer seemed suited to the sophisticated part of "Mrs. Cheney" better than Miss Crawford, this version does not otherwise suffer by comparison, for it has been given a lavish production and is studded with star names. It is a sophisticated, somewhat risque comedymelodrama, in which two of the outstanding characters are crooks; but once it is established that the heroine is a crook posing as a society woman, the spectator is held in tense suspense. Despite her profession, one is in sympathy with her because of her charm and courage. William Powell's role is secondary and unsympathetic; but he makes it interesting. There are several excellent comedy bits, most of which are contributed by Frank Morgan. The most comical situation is that in which he reveals to his friends, after he learns that Miss Crawford is a crook, that he had written her a letter defaming their characters:—

Miss Crawford, who was being financed by a group of crooks headed by Powell, becomes acquainted with British nobility, leading them to believe that she was a wealthy widow. Robert Montgomery, an English lord, falls in love with her and proposes marriage, but she rejects it. She receives an invitation from wealthy Jessie Ralph, owner

of a rare pearl necklace, to spend the week-end at her estate. This was what the gang was waiting for. Although Miss Crawford dislikes stealing from Miss Ralph, she tells Powell she will go through with it because of her loyalty to him. She steals the necklace but is caught by Montgomery just as she was about to throw it to Powell, who had been waiting in the garden. Montgomery proposes that she permit him to spend the night with her as the price for his silence; but she refuses. Instead she awakens all the guests and tells them who she is. They are shocked, and send for an officer. Montgomery warns his friends that they had better free Powell and Miss Crawford because she had in her possession a letter Morgan had written to her when he was proposing marriage in which he defamed the character of each of them. Miss Crawford pretends to want money for it but when she receives the check she tears it up and shows them that she had torn the letter; they feel ashamed for having mistreated her. Powell, without telling Miss Crawford, offers himself to the police on condition that they free Miss Crawford. They do this. She remains to marry Montomery

The plot was adapted from the play by Frederick Lonsdale. Leon Gordon, Samson Raphaelson, and Monckton Hoffe wrote the screen play, the late Richard Boleslawski directed it, and Lawrence Weingarten produced it. In the cast are Nigel Bruce, Colleen Clare, Benita Hume, Ralph Forbes, and others.

Not suitable for children or adolescents. Adult entertainment. Class B.

### "Michael Strogoff" with Anton Walbrook, Elizabeth Allan and Margot Grahame

(RKO, March 5; time, 84 min.)

A pretty good action melodrama. It has been produced on a "big" scale, with spectacular and exciting battle scenes. And it has plentiful action, holding one in suspense because of the constant danger to the hero, the Tsar's courier, whose mission to deliver a message to the commander of the army stationed at a certain point necessitated his going through the enemy lines. But there is something lacking in the story. For one thing, it is not realistic; for another, it has no real human appeal—only on one or two occasions does it touch one's emotions. One stirring situation is where Michael Strogoff rushes to his mother's assistance; she was being tortured by the cruel Tartar leader (Akim Tamiroff), because she would not divulge her son's identity. Another touching scene is that in which the mother is forced to stand by while the Tartars prepared to burn out her son's eyes. The love interest is subdued and has little bearing on the plot:—

Strogoff (Anton Walbrook) is sent by the Tsar to deliver a message to the Grand Duke Vladimir, his course being through the fighting enemy Tartar lines. Although he assumes another name, his identity is known to Zangarra (Margot Grahame), a spy for Ogareff, the cruel tartar leader; she follows him and tries to strike up a friendship with him, but is unsuccessful, for Strogoff had become attracted by another passenger, Nadia (Elizabeth Allan). Strogoff saves Zangarra's life when a bear attacks her; for this she is grateful. Strogoff arrives at the village where his mother lived, but he refuses to recognize her and she understands the reason. Ogareff knows that the way to get Strogoff was to torture his mother. His scheme works; Strogoff rushes to her defense. Ogareff orders that Strogoff's eyes be burned out, but Zangarra bribes the executioner, who, instead of blinding him, injures him across the forehead, just so as to make everyone think that he was blind; his mother dies from the shock. Zangarra is killed. Ogareff, disguised as Strogoff, goes to the Grand Duke and pretends to give him the Tsar's message. He tells him to take his men away from a certain point. The Grand Duke does this and naturally Ogareff's men attack him at that point. Travelling with Nadia as his guide, Strogoff arrives in time to denounce Ogareff and to lead the Russians to victory in their battle with the Tartars. Nadia is overjoyed that he is not blind. Strogoff is decorated by the Tsar at an impressive reception.

Anthony Veiller, Mortimer Offner, and Anne M. Chapin wrote the screen play: George Nicholls, Jr., directed it, and Pandro S. Berman produced it. In the cast are Eric Blore, Fay Bainter, Edward Brophy, and others.

Morally suitable for all. Class A.

Robert Z. Leonard, under the supervision of Hunt Stromberg: Very Good (some reports have it as Excellent and some as Good.)

"Sworn Enemy," with Robert Young and Florence Ricc, directed by Edwin L. Marin, supervised by Lucien Hubbard, from a screen play by Wells Root: Fair.

"The Longest Night," with Robert Young and Florence Rice, directed by Errol Taggart, under the supervision of Samuel Marx and Lucien Hubbard, from a screen play by Robert Andrews: Fair to Poor.

"All American Chump," with Stuart Erwin, Robert Armstrong, and Betty Furness, directed by Edwin L. Marin, under the supervision of Lucien Hubbard and Michael Foster, from a screen play by Lawrence Kinible: Fair.

"Mr. Cinderella," with Jack Haley and Betty Furness, directed by Edward Sedgwick, from a screen play by Richard Flourney and Arthur V. Jones: Fair.

"Our Relations," with Laurel and Hardy, directed by Harry Lachman, under the supervision of L. A. French, from a screen play by Richard Connell and Felix Adler: Fair to poor. (The production work is good, but the story is weak.)

"Tarzan Escapes," with Johnny Weissmuller, directed by Richard Thorpe, under the supervision of Sam Zimbalist, from a screen play by Cyril Hume: Good to fair.

"Mad Holiday," with Edmund Lowe, Elissa Landi, and Ted Healy, directed by George B. Seitz, under the supervision of Harry Rapf, from a screen play by Florence Ryerson and Edgar Allen Woolf: Fair.

"April Blossoms," British-made: Poor.

"Born to Dance," with Elcanor Powell and James Stewart, directed by Roy Del Ruth, under the supervision of Jack Cummings, from a screen play by Jack McGowan and Sid Silvers: (Reports on this picture varied anywhere from Excellent to Good. The production values are high, and the music tuneful, but the story is weak.) Very Good.

"General Spanky," with Spanky McFarland and Phillip Holmes, directed by Fred Newmeyer and Gordon Douglas, under the supervision of Hal Roach, from a screen play and story by Richard Flournoy, Hal Yates, and John Guedel. (It is a good picture for children, on Saturday matinees.) Poor.

"Sinner Take All," with Bruce Cabot and Margaret Lindsay, directed by Errol Tagart, under the supervision of Lucien Hubbard and Sam Marx, from a screen play by Leonard Lee and Walter Wise: Fair.

"After the Thin Man," with William Powell and Myrna Loy, directed by W. S. Van Dyke, and supervised by Hunt Stromberg, from a screen play by Frances Goodrich and Albert Hackett: Excellent.

"Under Cover of Night," with Edmund Lowe, Florence Rice, and Henry Daniell, directed by George B. Seitz, under the supervision of Lucien Hubbard and Ned Marin, from a story and screen play by Bertram Millhauser: Fair.

"Dangerous Number," with Robert Young and Ann Sothern, directed by Richard Thorpe, from a screen play by Carey Wilson: Fair to Poor.

"Man of the People," with Joseph Calleia, Florence Rice and Ted Healy, directed by Edwin L. Marin, under the supervision of Lucien Hubbard, from a story and screen play by Frank Dolan: Fair to Poor.

"Mama Steps Out," with Alice Brady, Betty Furness, and Stanley Morner, directed by George B. Seitz, under the supervision of John Emerson, from a screen play by Anita Loos: Poor.

Nineteen pictures have been reported starting from the first 1936-37 release. They are rated as follows:

Excellent, 1; Very Good, 2; Good to fair, 1; Fair, 8;

Fair to Poor, 4; and Poor, 3.

The first 19 pictures of the 1935-36 season were rated as follows:

Excellent, 4; Very Good, 1; Very Good to Good, 1; Good, 2; Fair, 1; Fair to Poor, 4; Poor, 6.

Last season's Excellent were: "China Seas," "Broadway Melody," "A Tale of Two Cities," and "Rose Marie."

This season's Excellent is: "After the Thin Man."

The 1 Very Good and the 2 Good of last season were, respectively: "A Night at the Opera"; and "Anna Karenina," and "Exclusive Story."

This season's 2 Very Good are: "The Great Ziegfeld," and "Born to Dance."

So far, the box office performances of this season's pictures are far below those of last season.

### BILLS DIVORCING EXHIBITION FROM PRODUCTION IN SIX STATES

Bills divorcing exhibition from production-distribution have already been introduced in six states—North Dakota, California, Wisconsin, Ohio, Indiana, and Minnesota, and from the letters that I am receiving from exhibitors from other states, bills of the same nature will be introduced this spring in many more states.

Prosperity has returned, Republican contention to the contrary notwithstanding, and the producer theatres are making big profits. And you know what the Home Offices will do with the surplus profits—they will either buy more, or build new, theatres. And every time they add a theatre to the number they already hold your lot becomes just so much more difficult.

There is a new spirit prevailing among the independent exhibitors this year; they all seem to be determined "either to do or die." Each seems to be bent upon seeing introduced in the legislature of his state a bill divorcing exhibition from production-distribution; and wherever such a bill has already been introduced, upon seeing that it is passed.

Many a year has Harrison's Reports sounded to every independent exhibitor the danger to his investment. Many of them did not heed that danger signal and as a result many of them are today out of business, and those who are still going are having a hard time making their theatres pay, for they have to contend, not only with unreasonable prices and terms for their film, but also with unscrupulous chain theatre competition.

If you have not already communicated with the members of your state legislature, both Senate and Assembly, communicate with them at once, urging them to vote for the bills divorcing exhibition from production.

If such a bill has not yet been introduced in your state legislature, communicate with the heads of your local Allied organization at once.

If there is no Allied organization in your territory, then write to Mr. W. A. Steffes, 1730 James Avenue North, Minneapolis, Minnesota, urging him to see to it that proper arrangements are made for the introduction of such a bill. Mr. Steffes is in complete charge of this type of legislation for Allied. In the meantime, send to Mr. James Ritter, Rialto Theatre, Detroit, Michigan, a check to help the Exhibitor Defense Committee carry on the work. Mr. Ritter is the treasurer of the Exhibitor Defense Committee. Remember that every dollar sent to Mr. Ritter will be spent for carrying on the fight for divorcing exhibition from production-distribution and for no other.

#### 10-POINTS-BUT WHEN?

"As the time draws near for Congress to begin considering motion picture legislation," says the February 5 issue of *The Exhibitor*, "the Motion Picture Theatre Owners of America 10-point plan is still far from a success. Considered by many theatre men as the only remedy for exhibitors aside from the courts or legislative action, the plan has been given some approval, in part, by several distributors, with no great concessions from any. . . ."

The editorial then continues calling the concessions mere shadow-boxing, and stating that the responses from the distributors doesn't give one reason for rejoicing.

Mr. Emanuel is not the only trade paper editor to decry the 10-point fiasco of MPTOA; "Chick" Lewis, of Showmen's Trade Review, said in the February 6 issue of that paper partly the following: "Frankly, we are disappointed in the reaction of the major companies to the MPTOA trade practice concessions. There appears to be much hedging and not enough conceding."

If any one should ever try to convince you that something can be accomplished by a round-table conference between producers and exhibitors, you should know by this time that nothing can be accomplished in that way. Federal and state legislation is the only medium by which you may obtain relief.

# HARRISON'S REPORTS

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No. 1

### Box Office Performances of 1936-37 Season's Pictures – No. 2

#### **Paramount**

The following pictures, beginning with the first 1936-37 release, were rated in the December 5, 1936, issue:

"My American Wife," "I'd Give My Life," "Hollywood Boulevard," "Texas Rangers," "Straight from the Shoulder," "Lady Be Careful," "The General Died at Dawn," "Three Married Men," "Wives Never Know," "Murder with Pictures," "Valiant is the Word for Carrie," "The Big Broadcast of 1937," "Wedding Present," "Accusing Finger," and "Rose Bowl"—15 in all. (All the westerns, "Little America," and "Wings over Ethiopia" are excluded.)

"Along Came Love," with Irene Hervey and Charles Starrett, directed by Bert Lytell, under the supervision of Richard Rowland, from a story and screen play by Austin Strong: Fair to poor.

"Easy to Take," with Marsha Hunt, and John Howard, directed by Glenn Tryon, under the supervision of Jack Cunningham, from a screen play by Virginia Van Upp: Fair to poor.

"Go West, Young Man," with Mae West and Warren William, directed by Henry Hathaway, under the supervision of Emanuel Cohen: Good. (Some reports had it as fair, and some as poor.)

"Hideaway Girl," with Shirley Ross, Martha Raye, and Robert Cummings, directed by George Archainbuad, under the supervision of A. M. Botsford, from a screen play by Joseph Moncure March and Eddie Welch: Good.

"Jungle Princess," with Dorothy Lamour, and Ray Milland, directed by William Thiele, under the supervision of E. Lloyd Sheldon, from a screen play by Cyril Hume, Gerald Geraghty, and Gouveneur Morris: Fair to poor.

"Let's Make a Million," with Edward Everett Horton, produced by Harold Hurley, directed by Raymond Mc-Carey, from a screen play by Robert Yost and Manuel Seff: Fair to poor.

"College Holiday," with Jack Benny, Gracie Allen, George Burns, Mary Boland, Martha Raye, and Eleanor Whitney, produced by Harlan Thompson, and directed by Frank Tuttle, from a story and screen play by J. P. Mc-Evoy, Harland Ware, Henry Meyers, and Jay Gorney: Excellent. (A few reports had it as very good, and a few as good.)

"The Plainsman," with Gary Cooper and Jean Arthur, produced and directed by Cecil B. DeMille, from a screen play by Waldemar Young, Harold Lamb, and Lynn Riggs: Excellent to very good.

"Mind Your Own Business," with Charlie Ruggles and Alice Brady, produced by Emanuel Cohen, and directed by Norman McLeod, from a screen play by Dore Schary: Fair to poor.

"Bulldog Drummond Escapes," with Ray Milland and Heather Angel, directed by James Hogan, from a screen play by Edward T. Lowe: Fair.

"A Doctor's Diary," with George Bancroft, Helen Burgess, and John Trent, produced by B. P. Schulberg, and directed by Charles Vidor, from a screen play by David Boehm: Good.

"Champagne Waltz," with Gladys Swarthout, Fred Mac-Murray and Jack Oakie, produced by Harlan Thompson, and directed by A. Edward Sutherland, from a screen play by Don Hartman and Frank Butler: Good.

"Outcast," with Warren William, Karen Morley and Lewis Stone, produced by Emanuel Cohen, and directed by Robert Florey, from a screen play by Doris Malloy and Dorc Schary: Fair.

"John Meade's Woman," with Edward Arnold, Francine Larrimore and Gail Patrick, produced by B. P. Schulberg,

and directed by Richard Wallace, from a screen play by Herman Mankiewicz and Vincent Lawrence: Good to fair.

"Maid of Salem," with Claudette Colbert and Fred Mac-Murray, produced by Howard Estabrook, and directed by Frank Lloyd, from a screen play by Bradley King, Walter Ferris and Durward Grinstead: Very Good.

"Clarence," with Roscoe Karns and Charlotte Wynters, directed by George Archainbuad from a screen play by Seena Owen and Grant Garrett: Poor.

Rating all the 31 pictures that have been reported so far we get the following results:

Excellent, 1; Excellent to Very Good, 2; Very Good, 2; Very Good to Good, 2; Good, 5; Good to Fair, 3; Fair, 5; Fair to Poor, 9; Poor, 2.

The first 31 of the 1935-36 season were rated as follows:

Very Good, 1; Very Good to Good, 2; Good, 5; Good to Fair, 3; Fair, 3; Fair to Poor, 3; Poor, 14.

So far the box office performances of this season's Paramount pictures are better than last season's.

(Continued on last page)

### VICTORY!

Last week the Senate of the State of North Dakota passed the theatre divorcing bill, which compels the producer-distributors to cease operating or controlling motion picture theatres, either directly or indirectly; and since the lower house had already passed it, only the signature of the Governor is required in order that it become the law of the State of North Dakota. And there is every reason to believe that the Governor will sign it.

The passing of this Bill marks a milestone in the struggle of Allied States executives toward protecting the interests of the independent exhibitors. They all deserve credit, but more so Mr. W. A. Steffes, affectionately referred to by exhibitors as "Al," whose strategy has brought final success. The struggle of the Allied States leaders to have a Bill against block booking and blind selling passed taught them to emulate the strategy of a good army general who, when he sees that his frontal attack brings no results, undertakes a flank movement at a weak spot, while the frontal attack continues relentlessly. The states are the weak spot in the armor of the producers, for, while in Washington they have efficient persons who have been able so far to offset the great efforts of the exhibitor representatives, they haven't enough men to take care of the situation in every state, wherever the Allied States leaders see a good chance at success and become active. Hence the success in North Dakota.

The producers will, of course, institute immediate action to test the constitutionality of the law—that was expected; but until the U. S. Supreme Court renders a final decision, they will be sitting on hot coals, because of the uncertainty as to what the final verdict will be. This should be enough to cause them to slow up in their theatre acquiring or building activities.

One thing you may be sure of—the producers will not be able to put many obstacles in the way of the final verdict by a sort of "filibuster" in the courts, for they are now dealing, not with the exhibitors, but with the sovereign State of North Dakota.

In addition to the passage of the theatre-divorcing bill in North Dakota, the Allied States leaders have had the following other successes: The setting of the hearing for the Wisconsin Bill on March ten; passage of a similar bill in the lower house in Indiana; introduction of a similar bill in Michigan; recommendation for passage of a similar bill by a legislative Committee in Minnesota; and introduction of a similar bill in the states of Ohio and California.

### "Parole Racket" with Paul Kelly and Rosalind Keith

(Columbia, March 4; time, 60 min.)

A fairly good program action melodrama; it has been developed according to formula. Nevertheless it has a few exciting situations; these are caused by the encounters and fights between racketeers and police officers. Paul Kelly covers up the triteness of his role by a good performance. One is in sympathy with him in his efforts to wipe out the gang of racketeers, who were terrorizing helpless shopkeepers into joining their "protective" association. The method he chooses-that of pretending to accept bribes and becoming one of the gang, even going to prison for a time in order to convince them of his sincerity in joining their outfit, holds one in suspense, for his life is endangered. The closing scenes, in which he traps C. Montague Shaw, Chairman of the prison parole board, into confessing that he was the racketeer leader, are the most exciting; they show Kelly cleverly leading Shaw on to confess and then arresting him. For a time Kelly's life is endangered by the unexpected arrival of another gangster, but the timely arrival of the police saves Kelly's life. A pleasant romance between Kelly and Rosalind Keith, a newspaper reporter, who had been working with him to arouse the public via the press to fight the racketeers, is developed in a pleasant way.

Harold Shumate and Owen Francis wrote the original screen play; C. C. Coleman, Jr., directed it, and Ralph Cohn produced it. In the cast are Leona Maricle, Thurston Hall, Gene Morgan, John Spacey, and others.

The action of the racketeers makes it somewhat unsuitable for children. Passable for adolescents. Suitable for adults. Class B.

### "The King and the Chorus Girl" with Fernand Gravet and Joan Blondell

(Warner Bros., March 27; time, 97 min.)

A good romantic comedy, produced lavishly. The story is light but entertaining throughout, because of the good performances and the brilliant dialogue. The cast lend excellent support to the stars. Fernand Gravet, a newcomer to American audiences, will undoubtedly become popular; he has charm and personality, knows how to act, and speaks English perfectly, with only the slightest trace of an accent. As an ex-king, he becomes involved in many amusing situations, owing to his love for Joan Blondell, a chorus girl without any social background. One of the funniest situations is that in which Gravet and Miss Blondell, accompanied by Luis Alberni and his fiancee, friends of Miss Blondell's, go to a cheap restaurant for dinner; the laughs are provoked when Alberni, not realizing who Gravet was, insults him because he accepts money from Miss Blondell to pay the check, when he discovered that he had left his own wallet home. Although the romance is developed in the customary manner, with misunderstandings and final reconciliation, it is done with charm and should appeal to the masses:-

Gravet, an ex-king with millions of dollars at his disposal, is so bored that he sleeps all day, goes out only at night, and drinks to forget everything. Mary Nash and Edward Everett Horton, his titled companions in exile, realize they must arouse his interest in something. When Miss Blondell, who had been invited to have supper with the king at his apartment, shows resentment at finding him asleep, they decide that she is what the king needs. They plead with her to act in an independent manner with the king, refraining from falling in love with him. Her attitude changes the king; he stops drinking, goes out during the day, eats and even sings. But when his interest becomes too keen, Miss Blondell is compelled by Horton and Miss Nash to tell Gravet that she is going to marry some one else. Gravet accidentally finds out about this. Believing that Miss Blondell had accepted money for her friendship with him, he makes her an insulting offer, which she resents; she tells him she really loves him and then leaves. He charters the ocean liner on which Miss Blondell was sailing back to New York so that he and she might be the only passengers. He pleads for forgiveness, and when he obtains it they are married by the Captain.

Norman Krasna and Groucho Marx wrote the original screen play; Mervyn LeRoy directed and produced it. In the cast are Alan Mowbray, Jane Wyman, Shaw and Lee, and others.

Suitable for all. Class A.

### "Midnight Court" with Ann Dvorak and John Litel

(Warner Bros., March 6; time, 63 min.)

A mildly entertaining court-racketeer program melodrama. The plot has been developed according to formula; it lacks novelty. John Litel, in the role of the criminal lawyer, gives a good performance; one is in sympathy with him when he becomes regenerated. The actions of the racketeers, culminating in the murder of a young man, are not particularly edifying; however, the demoralizing effect is offset by the fact that in the end they pay for their misdeeds. The love interest is subdued:—

Two years after his resignation from the office of District Attorncy, Litel, who had been framed by racketeers because he had been unwilling to work with them, is found drunk and unkempt by the very man (William Davidson) who had framed him. Davidson offers Litel his legal business, provided he sobers up and uses his knowledge on his behalf. Litel's association with Davidson proves to be a beneficial one for him financially; and Davidson is well pleased at the results Litel had been getting. But Ann Dvorak, Litel's former wife, who had divorced him when he had resigned as District Attorney, and who had met him again in court where she was employed, tells him that she has contempt for him. Litel feels sorry for Carlyle Moore, Jr., a young man who had become involved with the racketeers, and induces him to give up that type of work; he offers to send him to college. Davidson, when told by Moore that he is leaving the gang, orders his henchmen to kill him. They do so. This arouses Litel and he turns against Davidson; he uses all the information he had in his possession against Davidson and his henchman (Stanley Fields) to indict them; and he succeeds in his purpose. This convinces Miss Dvorak that he is in the right path again and she remarries him.

Don Ryan and Kenneth Gamet wrote the original screen play; Frank McDonald directed it, and Bryan Foy produced it. In the cast are Joseph Crehan, Walter Miller, John Sheehan, and others.

Not suitable for children or adolescents. Adult entertainment. Class B.

### "Ready, Willing and Able" with Ruby Keeler and Ross Alexander

(Warner Bros., March 6; time, 93 min.)

This musical comedy consists mostly of talk. When it goes into its song and dance routine it is entertaining, but this does not happen often enough. The plot is of the old backstage variety, with very little addition in the way of novelty. One of the other things against it is the fact that Ross Alexander, the leading player, is now dead; sensitive people may be disturbed at seeing him. The fact that the heroine at first deceives the hero into believing she is a star when she is just a novice does not put her in a good light, particularly since her doing so almost costs the hero his career. Otherwise, the music and dance routines are good, and the comedy at times enjoyable:—

Alexander and his song-writing partner (Lee Dixon) are given financial backing by a motion picture company for their musical show, on condition that they star a certain English singer (Wini Shaw); they agree to this. Allen Jenkins, an actors' agent, seeing a chance to make money for himself, rushes down to the boat, on which Miss Shaw was supposed to have arrived, in order to sign her up. By coincidence Miss Keeler, whose name was the same as that of the star's, is aboard the ship. Jenkins insists that she sign the contract; although she knows he had mistaken her for Miss Shaw, she sign, hoping in that way to get her big chance on the stage. The deception works for a time, but Miss Keeler is compelled to tell-Alexander the truth when he asks her to sing. Alexander orders her to leave. The motion picture backers demand their money back. By a ruse, Miss Keeler induces Miss Shaw to star in the show, and gets financial backing for Alexander from Hugh O'Connell, who wanted to marry her. The show is a "hit"; Alexander, in love with Miss Keeler, apologizes to her for what he had said and done. They are reconciled.

Richard Macaulay wrote the story, and Jerry Wald, Sig Herzig, and Warren Duff, the screen play; Ray Enright directed it, and Sam Bischoff produced it. In the cast are Louise Fazenda, Carol Hughes, Teddy Hart, Addison Richards, and others.

Suitable for all. Class A.

### "Girl Overboard" with Gloria Stuart and Walter Pidgeon

(Universal, February 28; time, 58 min.)

A moderately entertaining program melodrama. It starts off in an interesting manner, but peters out because of the weakness of the plot construction. The only reason why it holds one's attention fairly well is the sympathy one feels for the heroine, who is accused of a murder unjustly. The spectator is held in suspense in the closing scenes, not knowing how the heroine will prove her innocence. There is some human interest in the story; it is caused by the friendship that develops between the heroine and a young boy whom she had saved during a ship fire. The romantic

interest is mildly pleasant:-

Sidney Blackmer rushes after his former model (Gloria Stuart), who had left his employ and was going to Europe with a friend (Charlotte Wynters). He tells her that if she will not leave the ship he will prefer charges against her for having stolen from him the mink coat she was wearing and which he had given her as a bonus. Miss Wynters, deeply devoted to Miss Stuart, and who at one time had been Blackmer's mistress, stabs him with a corsage pin just as he is leaving the ship; nobody had noticed what she had done. He dies as he gets to the dock. The Captain receives a cable to hold Miss Stuart for the murder. Miss Wynters tries to send a cable to the police confessing her guilt but a serious fire aboard ship prevents her from doing so. She insists that Miss Stuart take her coat before boarding a lifeboat; then she jumps overboard. Miss Stuart saves Billy Burrud, whose mother had died in the fire. They are met at the dock by Walter Pidgeon, Billy's father. He insists that Miss Stuart stay at their home for a time. Pidgeon, the District Attorney, knows about Miss Stuart, but, having fallen in love with her, decides not to say anything. Eventually she is arrested. Billy finds the coat Miss Stuart had worn in the lifeboat. In the pocket he finds the bloody corsage pin. This establishes Miss Stuart's innocence for others had testified that while she was in the stateroom she had been wearing the mink coat. She is joyfully united with

Sarah Elizabeth Rodger wrote the story, and Tristram Tupper, the screen play; Sidney Salkow directed it and Robert Presnell produced it. In the cast are Hobart Cava-

naugh, Gerald Oliver-Smith, and others.

Not for children. Adult entertainment. Class B.

### "Murder Goes to College" with Roscoe Karns and Lynne Overman

(Paramount, March 5; time, 70 min.)

Acceptable program fare for followers of murder mystery melodramas. It keeps the audience guessing as to the murderer's identity, which is not divulged until the end. Otherwise, it is a pretty weak box-office attraction. For one thing, it lacks star names; and for another, the story neither directs an appeal to the emotions of sympathy, nor has any romantic interest. The comedy angle is objectionable; most of it is based on Roscoe Karns' antics after he drinks liquor, and the unpleasantness is caused by the fact that he is seen almost constantly holding a bottle of liquor

in his hands and drinking from it.

In the development of the plot, Lynne Overman, a private detective, and Karns, a newspaper reporter on vacation, stumble onto a murder of a college professor, who secretly had been the brains of a number-racket gang. Overman, seeing a chance to make some money as a private investigator, picks up evidence and obtains facts before the police arrive. Overman goes to see Larry Crabbe, a racketeer who had been in partnership with the murdered professor, and tells him that he had seen him rush out of the college building just after the shot had been fired; he promises to help Crabbe if he would engage him as a private investigator to track down the actual murderer. Crabbe agrees to this. Overman finally solves the case by proving that Harvey Stephens, another professor at the college, had committed the murder. Stephens had been having an affair with his victim's wife; by killing his rival he thought he could marry his wife and become the leader of the number racket. Overman is thanked by the police for uncovering the murderer's identity; but he is disappointed at losing his fee from Crabbe, because he was arrested by the police on another charge just as he was preparing to pay him.

Kurt Steel wrote the story, and Brian Marlow, Robert Wyler, and Eddie Welch, the screen play; Charles Riesner directed it. In the cast are Astrid Allwyn, Marsha Hunt,

Purnell Pratt, and others

Hardly suitable for either children or adolescents. Adult entertainment, Class B.

### "Circus Girl" with June Travis, Robert Livingston and Donald Cook

(Republic, March 1; time, 62 min.)

There's not much to this program picture; the plot is trite and the outcome obvious. And, for the most part, the story is unpleasant. It moves along at a slow pace, and, with the exception of the closing scenes, lacks excitement. In the closing scenes one is held in some suspense when the hero's life is endangered. It will probably find its best outlet in small towns, where pictures with circus backgrounds are as a rule liked :-

June Travis marries Donald Cook, a trapeze artist, only to find out that he had had affairs with other women and had broken the heart of Betty Compson, the circus animal trainer. But she forgives him and is devoted to him. This grieves Robert Livingston, Cook's trapeze partner, who loved Miss Travis devotedly. During a performance, Livingston is blinded by blood dripping into his eyes from a wound he had received in a fight with Cook; he drops Cook, who falls to the ground and is injured. Cook is compelled to leave the circus and Livingston finds it difficult to obtain work. Cook, believing that Livingston had purposely dropped him, plans to kill him. He pretends to have forgiven him and gives his consent for his wife to join Livingston in a trapeze act. He tells Livingston that he would give him a flash finish by letting him perform over an open cage of lions without any net. Before the performance Cook cuts the rope. It naturally breaks and Livingston is left dangling in the air. Miss Travis tries to save him. Cook, sorry for what he had done, rushes to their help. He gets them both to safe positions but falls into the cage himself and is killed by the lions. Miss Travis and Livingston eventually marry.

Frank R. Adams wrote the story, and Adele Buffington and Bradford Ropes, the screen play; John H. Auer directed it, and Herman Schlom produced it. In the cast are

Charlie Murray, Emma Dunn, and others.

Hardly suitable for children. Adult entertainment. Class

## "Time Out for Romance" with Claire Trevor and Michael Whalen

(20th Century-Fox, March 19; time, 72 min.)

Moderately entertaining program fare. The plot is familiar—that of the heiress who runs away from an undesirable marriage. It lacks novelty, and lags considerably at times. Only towards the end, when the heroine is suspected of being a crook, does it get exciting. There the spectator is held in suspense until her innocence is proved. The romance is pleasant, even though it is developed in the routine manner—with quarrels, misunderstandings, and final reconciliation. On occasions the comedy is good; at other times it

is annoving:

Immediately after her marriage to a Count, Claire Trevor learns that a settlement of \$500,000 had to be given to him before he would marry her. This enrages her and she runs away from her own wedding party. By dyeing her hair she prevents recognition by the police, who had received orders for her arrest; her socially ambitious mother had purposely spread a rumor that she, her daughter, was insane. Having very little cash, Claire decides to hitch-hike to California, to meet her father (Andrew Tombes), who was due to arrive there from his yachting trip. She is given a "lift" by Michael Whalen, one of the drivers of a caravan of cars that were being driven to the Coast. Since the manager of the outfit objected to having strangers, Miss Trevor pretends to be Whalen's wife. She finds a valuable necklace in Whalen's car and thinks that it had been put there by Whalen. This leads her to believe that he is a crook; he had fallen in love with her, but her efforts to conceal her identity led him to think that she was a crook, and he feared lest she be caught. But everything is solved when it is discovered that one of the other drivers was the crook, and that he had put the necklace in Whalen's car so that if the police would catch up with him they would not find the necklace. Nevertheless Miss Trevor is put in jail until her father arrives to bail her out. He tells her he was paying the Count another \$500,000 for an annullment of the marriage and that she could marry Whalen, with whom she had fallen in

Eleanore Griffith and William Rankin wrote the original story. Lou Breslow and John Patrick wrote the screenplay; Malcolm St. Clair directed it, and Milton H. Feld produced it. In the cast are Joan Davis, Chick Chandler, Douglas Fowley, Bennie Bartlett, and others.

Suitable for all. Class A.

### RKO (Radio) Pictures

"Mummy's Boys," with Bert Wheeler and Robert Woolsey, produced by Lee Marcus and directed by Fred Guiol, from a screen play by Jack Townley, Philip G. Epstein, and Charles Roberts, with Barbara Pepper and Frank Thomas in the supporting cast: Poor.

"The Big Game," with Philip Huston, Andy Devine, and June Travis, produced by Pandro S. Berman, directed by George Nicholls, Jr., from a screen play by Irwin Shaw:

Fair.

"Daniel Boone," with George O'Brien and Heather Angel, produced by George A. Hirliman, and directed by David Howard, from a screen play by Daniel Jarrett: From good to fair.

"Without Orders," with Sally Eilers and Robert Armstrong, produced by Cliff Reid, and directed by Lew Landers, from a screen play by J. Robert Bren and Edmund L.

Hartmann: Fair.

"Make Way for a Lady," with Anne Shirley and Herbert Marshall, produced by Zion Myers, and directed by David Burton, from a screen play by Gertrude Purcell: Fair to poor.

"Smartest Girl in Town," with Ann Sothern and Gene Raymond, produced by Edward Kaufman, and directed by Joseph Santley, from a screen play by Viola Brothers Shore: Good to fair.

"Night Waitress," with Margot Grahame and Gordon Jones, produced by Joseph H. Steele, and directed by Lew Landers, from a screen play by Marcus Goodrich: Fair to

"Rainbow on the River," with Bobby Breen and May Robson, produced by Sol Lesser, and directed by Kurt Neumann, from a screen play by Earle Snell, Harry Chandlee, and William Hurlburt: Very good to good.

"Winterset," with Burgess Meredith and Margo, produced by Pandro S. Berman, and directed by Alfred Santell, from a screen play by Anthony Veiller: Good to fair.

"That Girl from Paris," with Lily Pons, Gene Raymond, and Jack Oakie, produced by Pandro S. Berman, and directed by Leigh Jason, from a screen play by P. J. Wolfson and Dorothy Yost: Good.

"Racing Lady," with Ann Dvorak, produced by William Sistrom, and directed by Wallace Fox, from a screen play by Dorothy Yost, Thomas Lennon, and Cortland Fitzsimmons: Fair to poor.

"Criminal Lawyer," with Lee Tracy and Margot Grahame, produced by Cliff Reid, and directed by Christy Cabanne, from a screen play by C. V. Atwater and Thomas Lennon: Fair.

"They Wanted to Marry," with Betty Furness and Gordon Jones, produced by Zion Myers, and directed by Lew Landers, from a screen play by Paul Yawitz and Ethel Borden: Fair to poor.

We're on the Jury," with Helen Broderick and Victor Moore, produced by Joseph Henry Steele, and directed by Ben Homles, from a screen play by Franklin Coen: Fair.

"Park Avenue Logger," with George O'Brien and Beverly Roberts, produced by George A. Hirliman, and directed by David Howard from a screen play by Dan Jarrett and Ewing Scott: Fair.

The number of pictures that are reported in this column are 15; they are rated as follows:

Very Good to Good, 1; Good, 1; Good to Fair, 3; Fair, 5; Fair to Poor, 4; Poor, 1.

The first 15 of the 1935-36 season, excluding "Powder Smoke Range," were rated as follows:

Excellent, 1; Good, 2; Good to Fair, 1; Fair, 2; Fair to Poor, 2; Poor, 7.

This season's product is inferior to last season's. It seems as if the new production head has not improved matters at all.

### MPTOA EXECUTIVES ADMIT FAILURE OF TRADE PRACTICE REFORM PROGRAM

The December 7 Bulletin of MPTOA so referred to the response of one of the producers to the MPTOA trade reform proposals that he who read it undoubtedly was led to believe that much had been accomplished, unless, of course, he was acquainted with the facts.

"The distributing companies who make a sincere effort to solve these trade practice problems and voluntarily sacrifice a possible commercial advantage for the good of the industry and for the benefit of the independent exhibitor," says the Bulletin, "are certainly entitled to every consideration from every independent exhibitor.

"Responsible exhibitors everywhere will recognize this and show their appreciation and encouragement in dealing with these companies and not by taking unfair or unreasonable advantage of the genuine benefits offered by these new policies that are being adopted in response to our program and persistent efforts on behalf of the independent exhibitors."

Who is the exhibitor that will fail to read between these lines that the producers, urged by the officials of MPTOA, have granted important trade reforms for the elimination of trade abuses?

The February 9 Bulletin of the same organization is not so optimistic about the trade reforms that have been granted and tries to hedge somewhat. But the proof that nothing has been accomplished is given by the president of MPTOA himself, as gathered by the trade paper accounts.

"Whether trade practice concessions made by major distributors reacting to the MPTOA 10-point program are satisfactory and, if not, what is to be done about it," said a news item in the February 28 Film Daily, "will be decided by the association's board of directors at its annual meeting to be held at the Miami Biltmore Hotel, Miami, March 16, coincidental with opening of the annual convention, it was stated yesterday by Ed Kuykendall..."

A similar account of the interview is given also in *Motion Picture Daily* of the same date.

What has caused this change? Undoubtedly the keen analysis in Harrison's Reports of the producer responses, which analysis proved that the major companies have granted nothing.

Now that Kuykendall has shown to us by his actions that the producers have granted no trade reforms, let us take up the question as to who is going to decide at the Miami convention of MPTOA whether "what they have already granted is or is not satisfactory":

Paramount, through its representative on the board of directors, Y. Frank Freeman, contributing dues for 900 theatres.

Twentieth Century-Fox, through Spyros Skouras, its representative on the board, contributing dues for 425 theatres.

RKO, through L. E. Thompson, its representative on the board, contributing dues for 100 theatres.

Warner Bros. Pictures, through Joseph Bernhard, its representative on the board of directors, contributing dues for 480 theatres.

M. A. Lightman, partner in many of his theatres with Paramount, representing 65 theatres.

E. C. Beatty, representing 94 theatres of the Butterfield circuit, in Michigan, formerly partners with Paramount.

L. C. Griffith, formerly partner of Universal, representing 136 theatres.

Samuel W. Pinanski, present partner of Paramount, with 90 theatres.

In other words, Paramount, Loew's, RKO, Twentieth Century-Fox, Warner Bros., Lightman, Beatty, Griffith, Pinanski and the others are going to determine that you, the independent exhibitors, are not getting a square deal when it comes to: (1) canceling undesirable pictures; (2) having some one to settle the troubles for you outside of courts; (3) clearance; (4) buying product; (5) being subjected to cut-throat competition from other theatres and (6) from non-theatricals; (7) signing long-winded contracts; (8) being compelled to give preferred playing time; and (10) being compelled to buy more shorts than you need; and that these companies, when their representatives on the MPTOA board of directors meet with other members of the board, will fight for you so that all these abuses may be eliminated.

If any independent exhibitor believes these yarns, he should have his head examined.

I wouldn't be surprised if the major companies, frightened by the Allied success in North Dakota, announced at Miami that they are granting some worth-while reforms. But will you "bite" again?

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### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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No. 12

### Box Office Performances of 1936-37 Season's Pictures – No. 3

#### Twentieth Century-Fox

The following pictures, which begin with the first 1936-37 release, were rated in the December 12 issue:

"To Mary With Love," "Charlie Chan at the Race Track," "Girls' Dormitory," "Sing Baby, Sing!" "Star for a Night," "Road to Glory," "Pepper," "King of the Royal Mounted," "Back to Nature," "Ramona," "Thank You, Jeeves!" "Ladies in Love," "Dimples," "Pigskin Parade," and "Fifteen Maiden Lane,"—15 in all. "State Fair" and "Ambassador Bill" were omitted, being resisters: issues:

"Wild Brian Kent," with Ralph Bellamy and Mae Clarke, produced by Sol Lesser, and directed by Howard Bretherton, from a screen play by James Gruen and Earl Snell: Fair to poor.

"Under Your Spell," with Lawrence Tibbett and Wendy Barrie, produced by John Stone, and directed by Otto L. Preminger, from a screen play by Frances Hyland and Saul Elkins: Fair to poor.

"Can This Be Dixie," with Jane Withers and Slim Summerville, produced by Sol M. Wurtzel, and directed by George Marshall, from a screen play by Lamar Trotti: Good.

"Reunion," with the Dionne Quintuplets and Jean Hersholt, produced by Bogart Rogers, and directed by Norman Taurog, from a screen play by Sam Hellman, Gladys Lehman, and Sonya Levien: Good (most reports had it as Good; some had it as Very Good, but also some as Fair).

"White Hunter," with Warner Baxter and June Lang, directed by Irving Cummings, from a screen play by Sam Duncan and Kenneth Earl: Fair.

"Banjo on My Knee," with Barbara Stanwyck and Joel McCrea, produced by Nunnally Johnson, and directed by John Cromwell, from a screen play by Mr. Johnson himself: Very good to Good. (It went better in Southern states.)

"Laughing at Trouble," with Jane Darwell, produced by Max Gordon, and directed by Frank R. Strayer, from a screen play by Robert Ellis and Helen Logan: Fair to

"Career Woman," with Claire Trevor and Michael Whalen, produced by Sol M. Wurtzel, and directed by Lewis Seiler, from a screen play by Lamar Trotti: Fair.

"Stowaway," with Shirley Temple, Alice Faye and Robert Young, produced by B. G. DeSylva, Earl Carroll, and Harold Wilson, directed by William A. Seiter, from a screen play by William Consclman, Arthur Sheekman and Nat Perrin: Excellent to very good.

"One in a Million," with Sonja Henie, Adolphe Menjou and Arline Judge, produced by Raymond Griffith, and directed by Sidney Lanfield, from a screen play by Leonard Praskins and Mark Kelly: Excellent.

'Charlie Chan at the Opera," with Warner Oland, Boris Karloff and Charlotte Henry, produced by John Stone, and directed by H. Bruce Humberstone, from a screen play by Scott Darling and Charles S. Belden: Good.

"As You Like It," with a British cast: Poor.

"Crack Up," with Pcter Lorre, Brian Donlevy and Helen Wood, produced by Samuel G. Engel, and directed by Malcolm St. Clair, from a screen play by Charles Kenyon and Sam Mintz: Fair.

"Secret Valley," with Richard Arlen and Virginia Grey, produced by Sol Lesser, and directed by Howard Bretherton, from a screen play by Dan Jarrett, Earle Sncll, and Paul Franklin: Fair.

"Woman Wise," with Michael Whalen, Alan Dinehart, and Rochelle Hudson, produced by Sol M. Wurtzel, and

directed by Allan Dwan, from a screen play by Ben Markson: Fair.

"Lloyds of London," with Freddie Bartholomew, Madeleine Carroll, Tyrone Power, and C. Aubrey Smith, produced by Kenneth McGowan, and directed by Henry King, from a screen play by Ernest Pascal and Walter Ferris: Very good.

"The Holy Terror," with Jane Withers, produced by John Stone, and directed by James Tinling, from a screen play by Lou Breslow and John Patrick: Good.

"On the Avenue," with Alice Faye, Dick Powell, Madeleine Carroll, The Ritz Brothers, and George Barbier, produced by Gene Markey and directed by Roy Del Ruth, from a screen play by Mr. Markey and William Conselman: Excellent to very good.

"Off to the Races," with Kenneth Howell, George Ernest and Slim Summerville, produced by Max Golden, and directed by Frank Strayer, from a screen play by Robert Ellis and Helen Logan: Good to Fair.

"Wings of the Morning," with Annabella and Henry Fonda, produced by Robert T. Kane (in England), and directed by Harold Schuster, from a screen play by Tom Geraghty: Good to fair.

Grouping together the pictures that have been reported since the beginning of the season, we get the following

Excellent, 1; Excellent to Very Good, 2; Very Good, 3; Very Good to Good, 4; Good, 8; Good to Fair, 4; Fair, 7; Fair to Poor, 5; Poor, 1—a total of 35 pictures.

The first 35 pictures of the 1935-36 season were rated as

Excellent, 7; Very Good, 1; Very Good to Good, 1; Good, 8; Good to Fair, 6; Fair, 6; Fair to Poor, 2; Poor, 4.

This season's pictures have not shown as good box office performances as last season's. Though two of last season's Excellent were pictures with Will Rogers, even if we were to take these two pictures out of consideration, we still find that this season's product falls considerably short in box office performance.

Grouping the different high-grade pictures among the first thirty-five of both seasons for the purpose of comparison, we get the following results:

I935-36 SEASON
Excellent, 7: "Steamboat Round the Bend," "Thanks a Million," "In Old Kentucky," "The Littlest Rebel," "King of Burlesque," "The Prisoner of Shark Island" and "The Country Doctor."

Excellent to Very Good, None.

Very Good, 1; "Show 'Em No Mercy."

Very Good to Good, 1: "Professional Soldier."

Good, 8: "The Farmer Takes a Wife," "The Gay Deception." "Here's to Romance," "The Man Who Broke the Bank at Monte Carlo," "Paddy O'Day," "Every Saturday Night," "It Had to Happen," "Everybody's Old Man."

1936-37 Season Excellent, 1: "One in a Million."

Excellent to Very Good, 2: "The Stowaway" and "On the Avenue.'

Very Good, 3: "Sing Baby, Sing!," "Dimples," and "Lloyds of London."

Very Good to Good, 4: "To Mary with Love," "Road to ory," "Pigskin Parade," and "Banjo on My Knee."

Good, 8: "Girls' Dormitory," "Pepper," "Ramona," "Ladies in Love," "Can This Be Dixie?," "Reunion," "Charlie Chan at the Opera," and "The Holy Terror."

(Continued on last page)

### "Lost Horizon"

(Columbia roadshow picture; 130 minutes)

A marvel of mechanical ingenuity, proving that Frank Capra, the director, has unusual ability in reconstructing awe-inspiring scenes of plains or of mountains, on terra firma or in the air, as well as of directing a vivid appeal to the emotions of sympathy, pity, or comedy, as the occasion may require. The reproduction of scenes of snow-clad mountains is so realistic that one is made to feel as if actually seeing real mountains and real snow; the avalanche, showing millions of tons of snow and rock sliding down the mountain side and burying some of the travellers; the fleeing from the revolutionaries of people by means of aeroplanes; the city of peace and tranquility to which the characters are shown transported—the reproduction of all these scenes and of many others denote uncommon ingenuity on the part of the director. But it is the wreck of the aeroplane, as a result of a forced landing, that makes one gasp. Those who will see the picture will be made to feel as if seeing a real aeroplane wreck.

As to the story, what was said in HARRISON'S FORECASTER two years and again one year ago is only too true; it is a fantastic tale, at times tiresome because of the long speeches. It is a preachment rather than entertainment, made fairly entertaining by the ingenuity of the director. The message it conveys is that happiness could be attained without the possession of the material things that people struggle to attain. Several of the scenes that show the conversion of the characters to the thoughts and feeling of the inhabitants of the imaginary city of Shangri-la are beautiful, estheti-

cally as well as sentimentally:-

A revolution breaks out at Baskul, China, and the British consul rescues the white inhabitants in aeroplanes. He boards the last plane but he had not perceived that a Mongolian pilot had choked the regular pilot to death and taken his place; he discovered it only when the plane was taking an opposite direction to that of their destination -Shanghai. Running out of gas the plane is wrecked and the passengers are conducted to Shangri-la, a city lying in a beautiful valley. They find that the inhabitants are strange people: though they lived far away from civilization, their ideas about living were far advanced—utopian. Soon they realize that they were prisoners. Little by little all except the hero's brother are converted to the ideas of the inhabitants of Shangri-la, some of whom, though young-looking, were very old. The hero falls in love with one beautiful girl, and his brother with another, young looking, but very old. The brother is restless and wants to leave. Finally he convinces his brother, and the two bro-thers, with the brother's sweetheart, depart. As soon as they leave the confines of the city, however, the woman turns into a hag and dies. The brother dies too.

By a talk of characters supposedly in a London club, the spectator learns that the hero had lost his memory, and

that, when he regained it, he disappeared.

The last scene shows the hero returning to Shangri-la. This fulfills the prophecy of one of the Shangri-la char-

acters that he would return.

The plot has been founded on James Hilton's book. Robert Riskin wrote the scenario. Ronald Colman is the hero. Edward Everett Horton steals the picture. H. B. Warner, too, does excellent work. John Howard takes the part of the hero's brother, and Jane Wyatt that of the hero's sweetheart. Isabell Jewell, Sam Jaffe, Margo and others are in the cast.

It is a picture that no exhibitor can fail to show, despite the story's weakness, for it adds prestige to one's theatre. Good for the entire family.

### "History Is Made at Night" with Charles Boyer, Jean Arthur and Leo Carrillo

(United Artists, March 27; time, 961/2 min.)

An excellent production, superb performances by the leading players, and an absorbing story make this very good entertainment. It is strictly adult fare by virtue of the theme, which is sophisticated but at the same time has strong mass appeal. It holds one in suspense from the beginning to the very end, never once letting the spectator's attention slip. The story is unusual, combining as it does murder, melodrama, romance, and comedy. And Leo Carrillo, by his excellent portrayal, makes the comedy an important part of the picture. His misuse of words and his excitable outbursts provoke hearty laughter, relieving the tension. The last part, showing an ocean liner crashing into an iceberg, is outstanding. The plight of the passengers, the feeling of helplessness that overcomes them, and their courage in the face of death are depicted with so much realism that it grips at one's heart and brings tears to one'e eyes; it is something that spectators will not easily forget. Charles Boyer and Jean Arthur are extremely appealing in the romantic

scenes; one is in deep sympathy with them:-

Clive, millionaire ship builder, determined to keep his wife (Jean Arthur) from obtaining her final divorce decree, arranges to have his chauffeur (Ivan Lebedoff) found in her room. Boyer, hearing Miss Arthur scream, rushes into her room. After knocking out Lebedoff, Boyer takes Miss Arthur's jewels and orders her to leave with him. Once in the cab he tells her that he was not a thief and that he had entered her room only to save her. Although it was almost closing time, he takes her to the restaurant where he was employed as head waiter, and prevails upon Carrillo, the chef, and upon the musicians to remain. After dancing all night Boyer and Miss Arthur are desperately in love. She returns to her room to find out that Lebedoff was dead; she was unaware that he had been killed by Clive who had purposely committed the crime to frame Boyer, who, he thought, was Miss Arthur's lover. Thinking that Boyer's blow had done it she, in order to protect him, goes back to America with Clive. Boyer is heartbroken. He and Carrillo go to America to find her. But she had again left her husband and they cannot locate her. They open a restaurant hoping that their fame would bring Miss Arthur. In the meantime an innocent man is arrested in Paris for Lebedoff's murder. Miss Arthur, thinking that he was Boyer, agrees again to live with Clive, if he would obtain his release. To celebrate their reunion Clive takes her to Boyer's restaurant. She is amazed and overjoyed to find Boyer there. She again leaves Clive and returns to see Boyer; she tells him the whole story. To clear the innocent man, they leave for Paris on a ship owned by Clive. Clive, maddened by the reunion of the lovers, telephones to the Captain and demands that he go full speed ahead, despite the fog; he hoped that the ship would crash into an iceberg. And that is exactly what happens. Clive then writes a letter of confession and kills himself. The ship does not sink and the lovers are saved.

Gene Towne and Graham Baker wrote the original screen play; Frank Borzage directed it, and Walter Wanger produced it. In the cast are George Meeker, Lucien

Prival and others.

It is hardly a picture for adolescents. Children under twelve are too young to realize the feelings of the husband, who would send hundreds to death out of his passion for his wife. Excellent for adults. Class B.

## "China Passage" with Constance Worth and Vinton Haworth

(RKO, March 19; time. 64 min.)

An ordinary program murder-mystery melodrama. The plot is extremely far-fetched and meaningless; this, coupled with the fact that there are no star names of value, makes it a weak box-office attraction. The injection of tiresome comedy sequences does not help matters much. It is not fair to judge Miss Worth by this picture; she has a pleasant personality and acting ability. One is in sympathy with her because of her courage in risking her life to carry out her duties as a federal agent. For this reason one is held in suspense in the closing scenes, where she is shown captured by the murderers. The romance is pleasant:

Vinton Hayworth and Gordon Jones, two American adventures, are engaged to guard the wife of a Chinese general, who was to deliver a valuable diamond to an agent in Shanghai. Just as they reach their destination they find themselves in the midst of a prearranged battle and the diamond is stolen. They round up all of the foreigners found in the section but cannot find the diamond. They take the boat to San Francisco on which, strangely enough, all the suspects were gathered. Realizing that they would all be killed unless they found the diamond, they start the search again. Hayworth learns that Miss Worth, whom he had at first suspected, was a federal agent. They fall in love; she promises to help him. First Jones is killed and then another suspect. Miss Worth finally solves the case by proving that the theft and murders had been committed by Leslie Fenton, who had posed as an author, and by his henchman, who had been supposed to be his butler. Hayworth, freed of the worry of recovering the diamond, finds time to marry Miss Worth.

Taylor Caven wrote the story, and Edmund L. Hartmann and J. Robert Bren, the screen play; Edward Killy directed it, and Cliff Reid produced it. In the cast are Alec Craig, Dick Elliot, Frank M. Thomas, and others.

The murders make it unsuitable for children. Harmless for adults. ClassB.

# "Nancy Steele Is Missing" with Victor McLaglen, Walter Connolly and June Lang

(20th Century-Fox, March 12; time, 84 min.)

A strong but depressing melodrama. The direction and acting are excellent, but the theme, revolving around a kidnapping, is unpleasant. An attempt is made to win the spectator's sympathy for Victor McLaglen, the kidnapper; but this is impossible, for not only is the act of kidnapping distasteful in itself, but it causes suffering to Walter Connolly, the father of the kidnapped child, who is a likeable character. The only commendable act on McLaglen's part comes in the closing scenes where he risks his life and frecdom to right the wrong he had committed, bringing Connolly and his long-missing daughter together. The love interest has no bearing on the plot:—

McLaglen kidnaps the infant daughter of Connolly, millionaire munitions manufacturer, whom McLaglen hated as he hated anything or anyone connected with war. He leaves the child with friends, leading them to believe she was his own daughter, his wife having died at childbirth. He hides in a swamp the box containing the proof of the child's identity, his intention being to go away for a year, then to return and demand \$100,000 as ransom money for the return of the baby. But he becomes involved in a fight with ardent militarists and is sent to jail. There he is framed by other prisoners, who use him in their attempt to escape from prison, and receives a twenty year sentence. His cellmate (Peter Lorre), an inveterate criminal, wins McLaglen's confidence and learns about the kidnapping. When McLaglen is released and calls for his grown "daughter" (June Lang), Lorre is right on his trail. While on his way to Connolly's office with a letter demanding the ransom, McLaglen accidentally meets Connolly, is befriended by him and offered a job as gardener at his (Connolly's) country estate, with a cottage in which he and his daughter could live. Connolly meets Miss Lang and is drawn to her without realizing that she was his daughter. Lorre, by following McLaglen, finds the place where he had hidden the identifying proof. He shoots McLaglen, takes the proofs, and then, by using some strange girl as the missing heiress, collects \$100,000. The supposed heiress is a fool. This makes Connolly unhappy. McLaglen, sorry for what he had done, forces Lorre, at the point of a gun, to tell Connolly the truth. Connolly is overjoyed when he learns that Miss Lang was his real daughter. McLaglen is sent to prison; he refuses to see Miss Lang when she calls.

Charles Francis Coe wrote the story, and Gene Fowler and Hal Long, the screen play. George Marshall directed it, and Nunnally Johnson produced it. In the cast are Robert Kent, Shirley Deane, John Carridine, Jane Darwell, and others

Unsuitable for children and adolescents. Adult entertainment, Class B.

### "Quality Street" with Katharine Hepburn and Franchot Tone

(RKO, March 26; time, 83 min.)

This whimsical comedy should please best class audiences. It has been given a good production and is charmingly performed by the leading characters; but it is hardly the type of entertainment modern audiences are seeking. For one thing, the action is slow and is concentrated mostly in one set; for another, the delicacy of the situations and the comedy provoked by the old-fashioned morals and customs of the year 1805 may be lost on the average picture-goer. Although the characters portrayed by Katherine Hepburn and Franchot Tone are agreeable, their actions tend to provoke laughter instead of arousing one's sympathy; for that reason the story lacks human appeal:—

Miss Hepburn abiding by the customs of the day by not being too forward with gentlemen, hides her true feelings when Tone, who she thought was going to propose to her, tells her instead that he was going off to war; he does not even give her a hint as to his feelings for her. After a ten year absence he returns and visits Miss Hepburn. She had undergone such a change that for a moment he does not recognize her; he is shocked to see how teaching school had aged the one-time charming girl. Miss Hepburn decides to teach him a lesson; she dresses in her old dance frock, combs her hair as she had once before, and when Tone again calls introduces herself as her newly arrived niece. Courted by Tone and other gentlemen, she has many exciting experiences owing to the necessity of playing two characters. Tone, tired of her flirtations, tells her how

much he dislikes her and then confesses his love for her "aunt." She is overjoyed to think that he really loved her. Tone finds out about the deception. By a ruse he manages to get the supposed "niece" out of town without arousing the suspicions of the neighbors. He then proposes to Miss Hepburn and is accepted.

The plot was adapted from the play by Sir James Barrie. Allan Scott and Mortimer Offner wrote the screen play; George Stevens directed it, and Pandro S. Berman produced it. In the cast are Eric Blore, Fay Bainter, Cora Witherspoon, Estelle Winwood, and others.

Morally suitable for all. Class A.

### "Her Husband's Secretary" with Jean Muir, Warren Hull and Beverly Roberts

(First National, March 20; time, 61 min.)

Average program entertainment. It is a rehash of the hackneyed plot of wife versus secretary, with a better than average production. The plot has been developed in so obvious a fashion that one knows in advance just what is going to happen, and thus one loses interest in the outcome. Some of the situations are forced and illogical. For example, throughout the picture Warren Hull shows deep love for his wife (Jean Muir) and acts in a cool businesslike manner towards his secretary (Beverly Roberts); for that reason, when he suddenly switches his affection to Miss Roberts, the spectator is not prepared for it and so it seems ridiculous. One is in sympathy with Miss Muir, whose faith in Hull is shaken when she finds him making love to his secretary, as she suspected he had been doing. Miss Roberts portrays an unpleasant character, one who returns the friendship and affection Miss Muir gives her with treachery. As for Hull, his is a negative role; he does nothing to win one's sympathy. Some pretty good shots of a forest fire are worked into the story, but they are not of enough importance to arouse excitement. The ending is in accordance with what one expects—Hull, realizing that he had never stopped loving his wife, is remorseful. Miss Muir forgives him; they are reunited.
Crane Wilbur wrote the story, and Lillie Hayward, the

Crane Wilbur wrote the story, and Lillie Hayward, the screen play. Frank McDonald directed it, and Brian Foy produced it. In the cast are Joseph Crehan, Clara Blandick,

Addison Richards, and other.

It may bore children; adult entertainment. Class B.

### "Espionage" with Edmund Lowe, Madge Evans and Paul Lukas

(MGM, February 26; time, 66 min.)

From the title one would gather that this is a spy melodrama; but it is nothing of the sort—it is a far-fetched comedy, involving newspaper reporters, and is of average program grade. It should please fairly well those who like fast action, but those who demand some semblance of a plot will be disappointed, for it is highly exaggerated and illogical. Edmund Lowe and Madge Evans give good performances and do all they can to make the picture entertaining; but they are at times placed in ridiculous situations. The romance between them is developed in a breezy manner:—

Miss Evans, annoyed that an important assignment to trail Paul Lukas, European munitions king, had been given to another reporter, is determined to get the story herself. She steals her employer's passport, her intention being to pass as his wife, who, too, was listed on the passport. Lowe, sent by a 'rival newspaper association to cover the story, finds himself in an embarrassing position, for his wallet containing his passport had been stolen. Having noticed that Miss Evan's passport was for a husband and wife, he forces his way into her stateroom and poses as her husband. At first she is annoyed, but later amused. When Lukas' private car is attached to the train, Lowe, through a ruse, become acquainted with Lukas, who invites him and Miss Evans to visit him in his private car. Attempts are made to kill Lukas. Lowe is suspected, but he escapes from the train, first having arranged to meet Miss Evans at the country place where Lukas was going. After many exciting experiences, Lowe and Miss Evans are surprised to find that Lukas' sole purpose in taking the trip was to be married; further that he had given up the manufacturing of ammunitions. But they feel that their trip had not been in vain, for they had met each other; they plan to marry,

Walter Hackett wrote the story, and Manuel Steff, the screen play; Kurt Neumann directed it, and Harry Rapf produced it. In the cast ar Ketti Gallien, Skeets Gallagher,

Frank Reicher, and others.

Suitable for all. Suitability, Class A.

#### **United Artists**

"The Last of the Mohicans," with Binnie Barnes, Randolph Scott, and Henry Wilcoxon, produced by Edward Small, and directed by George B. Seitz, from a screen play by Philip Dunne: Good.

"Dodsworth," with Mary Astor, Ruth Chatterton, and Walter Huston, produced by Samuel Goldwyn, and directed by William Wyler, from a screen play by Sidney Howard: Very Good to Good.

"The Gay Desperado," with Nino Martini, Leo Carrillo, and Ida Lupino, produced by Jesse L. Lasky, and directed by Rouben Mamoulian, from a screen play by Wallace Smith: Good.

"Come and Get It," with Edward Arnold, Frances Farmer, and Joel McCrea, produced by Samuel Goldwyn, and directed by William Wyler and Howard Hawks, from a screen play by Jane Murfin and Jules Furthman: Good.

"Garden of Allah," with Marlene Dietrich and Charles Boyer, produced by David O. Selznick, from a screen play by W. P. Lipscomb and Lynn Riggs: Good.

"Rembrandt," with Charles Laughton, produced and directed by Alexander Korda, from a screen play by Lajos Biros and Carl Zuckmayer: Fair to Poor.

"Beloved Enemy," with Merle Oberon and Brian Aherne, produced by Samuel Goldwyn, directed by Henry C. Potter, from a screen play by Rose Fanken and William Brown Meloney: Good.

"Accused," with Dolores Del Rio and Douglas Fairbanks, Jr., directed by Thornton Freeland, from a screen play by Zoe Akins and George Barraud: Poor.

"Men Are Not Gods," with Miriam Hopkins and Rex Harrison, produced by Alexander Korda and directed by Walter Reisch, from a screen play by C. B. Stern, and Iris Wright: Good to Fair. (Some reports had it as Poor.)

"You Only Live Once," with Sylvia Sidney and Henry Fonda, produced by Walter Wanger and directed by Fritz Lang, from an original and a screen play by Gene Towne and Graham Baker: Very Good to Good. (Some reports had it as Fair.)

"Fire Over England," with an English cast, produced in England, directed by William K. Howard: Good to Fair.

"The Man Who Could Work Miracles," with Roland Young, produced by Alexander Korda, directed by Lothar Mendez, from a screen play by H. G. Wells: Fair.

Grouping together these 12 pictures by ratings, we get the following results:

Very Good to Good, 2; Good, 5; Good to Fair, 2; Fair, 1; Fair to Poor, 1; Poor, 1.

The first 12 of the 1935-36 season were rated as follows:

Very Good, 2; Very Good to Good, 4; Good, 1; Good to Fair, 1; Fair, 2; Fair to Poor, 1; Poor, 1.

This season's box office performances of this company's pictures, if the first 12 are to be taken as a criterion, are inferior to those of last season.

(To be concluded next week)

### THE STATUS OF COLUMBIA'S "LOST HORIZON"

The latter part of February the Atlanta Columbia exchange sent the following letter to holders of contracts for the Capra pictures in that territory:

"We wish to advise that the picture LOST HORIZON is presently being roadshown in Miami, Fla., and that we intend to roadshow same in other parts of the Atlanta Territory. Accordingly, we notify you that, as provided in Article 18, Subdivision C thereof of the agreement between us relative to the exhibition of Frank Capra productions, we are withdrawing and excluding from said agreement the said Frank Capra production entitled LOST HORIZON."

Although I have had no information from other territories, I am sure that a similar letter has been sent to exhibitors all over the country. At any rate a Home Office executive of Columbia has informed me that "Lost Horizon" will be resold.

I have been asked to define the rights of the Columbia 1935-36 and 1936-37 accounts on this picture.

In the 1935-36 season, "Lost Horizon" was announced in the trade papers but was not sold specifically to any ex-

hibitor; the contracts of that season did not contain any titles; only the work sheet specified that Columbia would deliver Capra pictures, two to be directed and two to be supervised by him. For this reason no holder of a 1935-36 contract may rightly elaim this pieture.

As to the 1936-37 accounts, let me say that the Capra pictures were sold on a separate contract—"to be not less than one and to be not more than two."

Ordinarily, holders of such a contract would be entitled to "Lost Horizon"; being the first Capra to be produced since the sale of two Capra pictures for the 1936-37 season was made, it should by rights go on this contract.

But the Capra Productions contract contains a clause that grants to Columbia the right to withdraw a picture when the company decides to roadshow it—Clause Eighteenth; and since it is roadshowing "Lost Horizon" Columbia is within its legal rights in withdrawing it. That morally Columbia has no right to withdraw it is beyond the point, for morals do not guide the acts of companies in this business.

Columbia might have put forward the unprecedented eost of the picture as its reason for withdrawing it, but it cannot advance such a reason, for when it was making the sale of this picture in the beginning of this season it knew fairly well how much the production would cost. For this reason we might rightly assume that the Columbia executives are withdrawing it because not only they believe they can get more money even from those who already hold a contract for this picture, but also they will use it as a "bell-wether" for the 1937-38 season's product. Thus those who bought the 1936-37 product with the idea of getting the Capra pictures are left out in the cold.

Some one ought to inform the two Congressional Committees, which have charge of the Neely-Pettengill Bill, that the reason why the major companies are opposed to the elimination of block booking is their unwillingness to give up an advantageous position: they can sell pictures on a block-booking basis, but they retain the right to pull out of the block the best pictures, leaving to the exhibitors the culls.

## AFTER THE NORTH DAKOTA THEATRE DIVORCE MEASURE:

The news that the Senate of the State of North Dakota passed by an overwhelming majority the theatre divorce measure that was sponsored by Allied States Association of Motion Picture Exhibitors fell as a bomb shell in producing circles in New York City. They did not believe it was possible. But manifestly they did not estimate correctly the new Allied strategy, carried out in a most highly successful manner in North Dakota by W. A. Steffes, of Minnesota.

Inspired statements given to the trade press indicate that the producers will make an effort to have the law declared unconstitutional. But the North Dakota law seems to be on firm ground, for the Dean of the Law School of Columbia University has assured the Allied leaders that the law is perfectly constitutional.

Despite this success, however, the Allied executives are not content to rest on their first laurels; they are working hard to have similar laws passed in other states, as related in last week's Harrison's Reports, and will continue to fight vigorously until they see a similar law passed in every important state in the Union.

It is the duty of every independent exhibitor to join in this fight, for it means the preservation of his interests. And you can join in it no more effectively than by sending a check to the treasurer of the Exhibitor Defense Committee, which is conducting the campaign. Remember that every dollar of your contribution will be spent on this fight and on no other. Not even one cent of this money goes to the Allied organization.

As soon as you read this appeal, make out a eheck for as much as you want to contribute and send it to Mr. James Ritter, Treasurer of the Exhibitor Defense Committee, Rialto Theatre, Detroit, Michigan.

Contributions are considered confidential. This makes it possible for other than exhibitors to contribute.

### ARRISON'S REPORTS

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### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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No. 13

### Box Office Performances of 1936-37 Season's Pictures – No. 4

#### Universal

The following are the box office performances of all the Universal pictures that have been released from the beginning of the season up to "Breezing Home":

"My Man Godfrey," with William Powell and Carole Lombard, produced by Carl Laemmle, Jr., and directed by Gregory La Cava, from a screen play by Morrie Ryskind and Eric Hatch: Excellent,

"Two in a Crowd," with Joel McCrea, Joan Bennett, Alison Skipworth and Reginald Denny, produced by E. M. Asher, and directed by Alfred E. Green skillfully, from a screen play by Lewis R. Foster, Doris Malloy, and Earle Snell: Fair.

"The Sea Spoilers," with John Wayne, Nan Grey, and William Bakewell, produced by Trem Carr and directed by Frank Strayer, from a screen play by George Waggener: Fair.

"The Girl on the Front Page," with Edmund Lowe and Gloria Stuart, directed by Harry Beaumont, from a screen play by Austin Parker, Albert R. Perkins, and Alice D. G. Miller: Fair.

"The Magnificent Brute," with Victor McLaglen, Binnie Barnes and Henry Armetta, produced by Edmund Grainger, and directed by John G. Blystone, from a screen play by Lewis R. Foster, Owen Francis, and Bertram Milhauser: Good.

"The Man I Marry," with Doris Nolan and Michaei Whalen, directed by Ralph Murphy, from a screen play by Harry Clork: Fair.

"Love Letters of a Star," with Henry Hunter and Polly Rowles, produced by E. M. Asher, and directed by Lewis R. Foster and Milton Carruth, from a screen play by Lewis R. Foster, Milton Carruth, and James Mulhauser: Fair.

"Luckiest Girl in the World," with Jane Wyatt and Louis Hayward, produced by Morrie Ryskind, from a screen play by Herbert Fields and Henry Myers: Fair.

"Flying Hostess," with Judith Barrett, William Gargan, and William Hall, produced by Edmund Grainger and directed by Murray Roth, from a screen play by Harry Clork, Brown Holmes, and Harvey Gates: Good to Fair.

"Three Smart Girls," with Deanna Durbin, supported by Binnie Barnes and Ray Milland, produced by Joseph Pasternack, and directed by Henry Koster, from a story and screen play by Adele Comandini: From Excellent to Very Good.

"Mysterious Crossing," with James Dunn, Andy Devine, Jean Rogers, and J. Farrell MacDonald, produced by Val Paul, and directed by Arthur Lubin, from a screen play by Jefferson Parker and John Grey: Fair to Poor.

"Four Days' Wonder," with Jeanne Dante, Martha Sleeper, and Alan Mowbray, produced by Robert Presnell, and directed by Sidney Salkow, from a screen play by Harvey Thew and Michael Uris: Fair to Poor.

"The Mighty Treve," with Noah Beery, Jr., produced by Val Paul and directed by Lew Collins: Fair to Poor.

"She's Dangerous," with Walter Pidgeon, Tala Birell and Cesar Romero, produced by E. M. Asher, and directed by Lewis R. Foster and Milton Carruth, from a screen play by Lionel Hauser, and Albert R. Perkins: From Fair to Poor.

"Breezing Home," with William Gargan, Binnie Barnes, and Wendy Barrie, produced by Edmund Grainger and directed by Milton Carruth, from a screen play by Charles Grayson: Fair to Poor. Grouping together these 15 pictures (westerns excluded)

we get the following results:
Excellent, I; Excellent to Very Good, I; Good, I; Good to Fair, 1; Fair, 6; Fair to Poor, 5.

The first 15 of the 1935-36 season were rated as follows:

Very Good, 1; Very Good to Good, 2; Good, 1; Fair, 2; Fair to Poor, 5; Poor, 4.

The 1936-37 product shows an improvement.

#### Warner Bros. Pictures

"The Bengal Tiger," with Barton MacLane, June Travis and Warren Hull, directed by Louis King: Fair.

"Give Me Your Heart," with Kay Francis, George Brent and Helen Flint, produced by Robert Lord, and directed by Archie L. Mayo, from a screen play by Casey Robinson: Very Good to Good.

"Midsummer Night's Dream," with James Cagney, Joe Brown, Dick Powell, Olivia DeHaviland, Jean Muir, Verree Teasdale and others, produced by Max Reinhardt, and directed by William Dieterle, from an adaptation by Charles Kenyon and Mary McCall: The box office reports varied from as high as Very Good to as Low as Poor. As far as entertainment values are concerned, particularly for the masses, the picture would put one to sleep.

"Isle of Fury," with Humphrey Bogart, Margaret Lindsay, Donald Woods, and George Regas, produced by Bryan Foy and directed by Frank McDonald, from a screen play by Robert Andrews and William Jacobs: Fair.

"Cain and Mabel," with Marion Davies and Clark Gable, supported by Allan Jenkins, Ruth Donnelly, William Collier, Sr., and others; produced by Sam Bischoff, and directed by Lloyd Bacon, from a story by H. C. Witwer: Good to Fair.

"Fugitive in the Sky," with Jean Muir and Warren Hull, directed by Nicke Grinde, from a screen play by George Bricker: Fair.

"Polo Joe," with Joe E. Brown, Skeets Gallagher, Olive Tell, and Gordon Elliot, produced by Bryan Foy, directed by William McGann, from a screen play by Peter Milne and Hugh Cummings: Good to Fair,

"King of Hockey," with Dick Purcell and Anne Nagel, directed by Noel Smith, from a screen play by George Bricker: Fair to Poor.

"Smart Blonde," with Glenda Farrell, and Barton Mc-Lane, produced by Bryan Foy, and directed by Frank McDonald, from a screen play by Don Ryan and Kenneth Gamet: Fair.

"God's Country and the Woman," with George Brent, Beverly Roberts, Alan Hale, El Brendel, Joseph King, Herbert Rawlinson, Victor Potel, and Robert Barrat, produced by Lou Edelman, and directed by William Keighley, from an adaptation by Peter Milne and Charles Belden, and a screen play by Norman Reilly Raine: Very Good to Good.

"Black Legion," with Humphrey Bogart, Dick Foran, and Erin O'Brien Moore, directed by Archie Mayo, from a screen play by Abem Finkel and William W. Haines, and a story by Robert Lord: Yery Good to Good. (This proved to be a one-day picture. That is, it drew well the first day, but fell off the subsequent days.)

"The Great O'Malley," with Pat O'Brien, Humphrey Bogart, Sybil Jason, and Henry O'Neill, produced by

(Continued on last page)

### "Personal Property" with Jean Harlow and Robert Taylor

(MGM, March 26; running time, 83 min.) This was made by Metro in 1931 under the title "The Man in Possession." Judged solely on its merits it is just fair entertainment; but the names of Jean Harlow and Robert Taylor should draw more than the picture warrants. It is an English drawing-room comedy, and as such it has some amusing moments. The best part is the situation that shows the heroine's dinner party, to which she had invited her fiance, his parents, and others, and at which the hero (the fiance's brother) poses as her butler. The spectator is kept chuckling throughout this dinner party, not knowing what to expect next. When it comes to clowning, Taylor is a little less successful than Robert Montgomery, who appeared in the first version; but he is good in the romantic clashes with Miss Harlow. The background

is London:-Taylor, who had served a term in prison for a minor offense, returns home to find that he is not wanted by his father or by his brother (Reginald Owen). Owen, whose business was in a bankrupt condition, was planning to marry Miss Harlow, who, he thought, was a wealthy American widow; he feared lest Taylor's presence upset his plans. Taylor accidentally meets Miss Harlow without realizing that she was his brother's fiancee. She resents his flirtatious manner and is annoyed when he follows her home. Taylor, finding out that she was bankrupt and that she was hounded by creditors, takes a job as sheriff's guard for one of the creditors so that he might be near her, for his job required him to live in her house to guard her possessions. At first she is resentful but she grows more tolerant. She pleads with Taylor to help her out for just one night when she was expecting her fiance, his parents, and friends for dinner; she tells him that her future depended on making a good impression. When Taylor finds out that her fiance was none other than his own bankrupt brother, he is highly amused. Owen is dismayed when he sees who the butler is. During the dinner, Taylor makes him miserable. On the day of the wedding, Taylor, in the presence of the assembled guests, orders the Sheriff's men to remove the furniture from Miss Harlow's home. Owen leaves the house in a rage, but happy that he had found out in time that his fiancee was poor. Miss Harlow is overjoyed; she realized that she loved Taylor and did not want

to marry Owen. The plot was adapted from the play by H. M. Harwood; Hugh Mills and Ernst Vajda wrote the screen play. W. S. Van Dyke directed it, and John W. Considine, Jr., produced it. In the cast are Cora Witherspoon, Una O'Connor, E. E.

Clive and others

Although children may be bored it is morally suitable for all. Class A.

### "Let's Get Married" with Ida Lupino, Walter Connolly and Ralph Bellamy (Columbia, Mar. 25; time, 68 min.)

Fair program entertainment, with a better "dressing" than seen in program pictures. The plot is developed by dialogue rather than by action, and occasionally the constant chatter becomes annoying. There is nothing unusual or exciting about the story; it fails to hold one in suspense because of the obvious outcome. The romance, which is developed according to formula, is pleasant and somewhat appealing because of the sympathy one feels for Miss Lupino and Bellamy, who invest their roles with charm.

The comedy situations are routine:-

Walter Connolly, political leader, tries to get his daugher (Miss Lupino) to marry socially prominent Reginald Denny, whose political future he was fostering. Accidentally she becomes acquainted with Bellamy, government weather forecaster. At first she resents his arrogance, but later she falls in love with him, as he does with her. When she invites him to their country home for the weck-end, Bellamy assumes it is because she loved him. But when Connolly, who was desperately in need of information about weather conditions on Election Day, asks him for advance weather reports, Bellamy leaves angrily. Connolly is unnerved; he needs the upstate vote for Denny, but does not want to make a deal with the political leader there; he knows that if it should rain on election day he would win. Miss Lupino, angry at Bellamy for leaving, tells Denny she would marry him if it snowed on Election Day. Bellamy, when he hears of it, gets drunk and, in order to prevent the marriage, purposely makes a false prediction about the weather, saying that it would rain. Connolly tells the upstate leader he does not need him; but when he finds out about the trick he is enraged. His rage

turns to joy when it actually rains on election day. Bellamy's invention of an automatic weather balloon gage, sent up by Connolly's inquisitive butler, had shown signs of rain despite other signs against it. The invention is hailed as a marvel, and Bellamy wins Miss Lupino as his

The plot was adapted from the story "Weather or No," by A. H. Z. Carr. Ethel Hill wrote the screen play, Alfred E. Green directed it, and Everett Riskin produced it. In the cast are Raymond Walburn, Nana Bryant, and Robert

Suitable for all. Class A.

### "Her Husband Lies" with Ricardo Cortez, Tom Brown and Gail Patrick

(Paramount, March 19; running time, 75 min.) Although a remake of "The Street of Chance," in which William Powell starred in 1930, "Her Husband Lies, should find favor as a good program offering, by virtue of the excellent performances. It is a gambling melodrama, and as such it may appeal more to men than to women. The act of sacrifice on the part of Ricardo Cortez, who gives his own life for his brother's sake, awakens human interest; one is in sympathy with Cortez' efforts to break his bother (Tom Brown) of the gambling habit. The poker game in the closing scenes in which Brown, Cortez, and the other gamblers participate, holds one in tense suspense; the gamblers were under the impression that Cortez, by sending his brother to play with them, had framed them, but in reality he wanted them to take all of Brown's money away, to cure him of the gambling fever. The fact that Cortez is killed in the end depresses one, for one knows that he had always been an honest gambler, and that he had attempted to cheat only to stop Brown from winning. One's emotions are stirred because of the fact that Cortez, just before his brother's arrival, had decided to call a halt to his own gambling activities and to live a simple life with his wife (Gail Patrick), only to meet with death. But Cortez had not died in vain; Brown, who did not know why his brother had cheated, tells his wife he was through with gambling, for he had always believed that gamblers were ethical men, and since his own brother, supposedly the squarest of all gamblers, had cheated, he did not want to touch cards again.

Oliver H. P. Garrett wrote the original story, and Wallace Smith and Eve Greene, the screen play. Edward Ludwig directed it, and B. P. Schulberg produced it. In the cast are Akim Tamiroff, Louis Calhern, June Martel, Dorothy Peterson, Jack LaRue, Ralf Harolde, and others.

The gambling makes it unsuitable for childen. Good for adults. Class B. "The Wedding of Palo"

(J. H. Hoffberg; running time, 791/2 min.) Knud Rasmussen, the late Arctic explorer, filmed this picture of Eskimo life in Greenland. Audiences interested in novelties will find it to their liking, for it offers an unusual glimpse into the life and customs of the natives, with a simple love story used as the framwork. As depicted here, they lead a simple life, word hard, and laugh frequently. A youngster, about five years of age, provides the comedy by his imitations of grown-ups; each time he laughs and makes gestures the audience laugh with him.

Among the interesting features shown are the following: The daring and cleverness of one of the men who, in his kayak, follows and eventually spears an exceedingly large white bear; the method used to settle a quarrel—the two contestants enter into a ridiculing contest, beating a drum as each pours insults at the other (the natives join in laughing at the one who is most ridiculed); the ease with which they spear salmon; the methods they use to skin the seals; the cleverness used in building their hut for winter quarters.

One of the most amusing scenes is that showing the devil-doctor shooing away the evil spirits from the wounded

The most thrilling incident is Palo's paddling of his kayak through turbulent waters during a hurricane to reach the girl he loves, to claim her as his woman. Gaining the consent of her brothers, who were loath to give her up, he ties her to his kayak and sets out again in the storm to bring her to his village. They are followed by the jealous rival who, in his attempt to spear them and upset their kayak, capsizes himself and drowns.

All the players are natives of Angmagssalik, Eastern

Greenland.

Dr. Rasmussen wrote the scenario; he and Friedrich Dalsheim directed it. The photography is excellent.

Good for theatres that cater to high class audiences who like novelties.

### "Swing High, Swing Low" with Carole Lombard and Fred MacMurray

(Paramount, Mar. 12; time, 95\(\frac{1}{2}\) min.)

Despite the triteness of the plot and of the many dull stretches, this picture should go over with the masses, because of the popularity of swing music just now; the songs here are what most spectators like today. The title alone should pull them in, with the names of Carole Lombard and Fred MacMurray as additional bait. The story is a remake of "Dance of Life," produced by Paramouni in 1929, and based on the stage play "Burlesque." With the exception of the change of locale and the modernization of the story, it remains the same plot of the rise, fall, and re-rise of a young man who lets success go to his head. Miss Lombard awakens sympathy by her faith in MacMurray and her loyalty to him. The closing scenes hold one in fair suspense. Charles Butterworth provokes laughs in the few scenes in which he appears:—

Miss Lombard, after a short friendship with MacMurray. who had befriended her when she was stranded in Panama, falls in love with him. In order to encourage him to make the most of his gifts as a trumpet player, she secures a position for both of then in a Panama "honky-tonk,"—she as a singer, and he as a player in the band. They get married and are blissfully happy until a New York agent suggests that MacMurray should go to New York. Miss Lombard urges him to go, even though the thought of parting from him made her unhappy. MacMurray is teatured at a high-class night club and is soon the rage of New York. His success goes to his head; he drinks and carouses at all-night parties, at which Dorothy Lamour, a singer, is his constant companion. When Miss Lombard fails to get a call from him, she goes to New York any way. When she arrives there, however, she is heartbroken to learn the state of things, and decides to get a divorce in Paris, so that she might marry millionaire Harvey Stephens, who loved her. MacMurray, who still loved her, becomes so disheartened, that he takes to drink in earnest, loses his job, and sinks lower and lower. Miss Lombard, upon returning from Paris, learns of MacMurray's condition and. hearing that he had a chance for a comeback at a radio audition that very night, she rushes to him. Although he is shaken and ill, the fact that Miss Lombard had promised to return to him inspires him and he comes through the ordeal successfully.

It was adapted from the play by George Manker Watters and Arthur Hopkins; Virginia Van Upp and Oscar Hammerstein, II, wrote the screen play. Mitchell Leisen directed it, and Arthur Hornblow, Jr. produced it. In the cast are Jean Dixon, Cecil Cunningham, and others.

Suitable for all. Class A.

### "Romance and Riches" with Cary Grant and Mary Brian

(Grand Nat'l., Feb. 13; time, 58 min.)

Although made in England, this is suitable for the American market because the two leading players are known well, and the atmosphere is not decidedly British. It is a moderately entertaining program comedy with some human appeal. The story is pleasant, but the production could have been better. The hero wins one's sympathy by his serious attempts to do something worthwhile and thus gain his self respect. His encounter with criminals who were living in his apartment during his absence are fairly

exciting. The romance is pleasant: Cary Grant, a millionaire, feels ill and consults a wellknown physician. The doctor tells him that he was suffering only from boredom; he tells him also that he had contempt for the type of life he was leading. Grant bets the doctor that he could earn a living for himself; he tells him that he would give up his wealth for one year, go to work, and live on just what he earned. At first Grant has a difficult time getting employment; but he finds that there were many kind people who, although poor themselves, were willing to help him. He meets Mary Brian, a stenographer: they fall in love with each other. Miss Brian, in order to help her sick sister, decides to marry her well-to-do employer, even though she loved Grant. But Grant convinces her not to do so; she is overjoyed when she finds out who he is. Grant's adventure in business teaches him a great deal; he helps every one who had been kind to him. At

the end of the year he marries Miss Brian.

E. Phillips Oppenheim wrote the story, and John L. Balderston, the screen play; Alfred Zeisler directed and produced it. In the cast are Peter Gawthorne, Iris Ashley, Andrea Malandrinos, and others.

Suitable for all, Class A.

### "Navy Spy" with Conrad Nagel and Eleanor Hunt

(Grand Nat'l., March 13; time, 56 min.)

A mildly entertaining action melodrama, in which Conrad Nagel and Eleanor Hunt again appear as federal agents. As in "Yellow Cargo," the indoor sets are somewhat shabby looking. The story is pretty far-fetched; but because of the fast action it may give satisfaction where audiences are not too exacting. The closing scenes hold one in fair suspense; there Nagel outwits the kidnappers who were holding a naval officer prisoner in an attempt to force him to give them a government secret.

In the development of the plot, Nagel is called in to investigate the disappearance of a Naval officer who had invented a formula for the manufacture of cheap fuel. By using different disguises and following certain clues, he finds that the officer was held a prisoner aboard a boat where his captors, by torturing him, were trying to force the secret out of him. Nagel, with the help of Miss Hunt, who had insisted on helping him in the case, is successful in rescuing the officer and in rounding up the gang, who were working for foreign agents.

Crane Wilbur wrote the story and the screen play, and directed the picture; George A. Hirliman produced it. Others in the cast are Judith Allen, Jack Doyle, Phil Dunham, and Don Barclay.

Suitable for all. Class .4.

### "Men in Exile" with Dick Purcell and June Travis

(First Nat'l., April 3; time, 5712 min.)

An ordinary program melodrama. The routine plot, which unfolds in a mythical tropical country, is not particularly pleasant; nor is it exciting enough to hold one in suspense. One feels some sympathy for the heroine, who tries to keep her brother from becoming involved with gunrunners; but the brother is depicted as so weak a character that one feels as if she is wasting her efforts on him. Nothing in the picture is outstanding—either production, acting, or development of the plot:—

Dick Purcell accidentally becomes involved in a murder. In order to evade the police, he accepts the financial help of a racketeer and goes to a tropical country. Upon arrival there, he is taken to the racketeer leader, and is asked to join the gang in supplying guns to men who wanted to overthrow the government. Purcell refuses the offer, taking instead a job in the hotel conducted by Miss Travis and her mother; he thus incurs the enmity of the racketeer. Miss Travis' brother (Alan Baxter) is in love with the racketeer's wife and plans to run away with her. The wife, in order to get rid of her husband, informs on him and he is arrested. He is bailed out and goes after Baxter; but Baxter kills him and then puts the gun in Purcell's coat where it is found by the police. Purcell is arrested and sentenced to be shot. Baxter, unable to see Purcell go to his death, confesses. Because of the information he is able to give the police about the revolutionists, he is given a light sentence. Purcell and Miss Travis plan to marry.

Houston Branch and Marie Baumer wrote the story, and Roy Chanslor, the screen play. John Farrow directed it. In the cast are Margaret Irving, Victor Varconi, Olin Howland, and others.

Not for children. Adult enteretainment. Class B.

### "Trouble in Morocco" with Jack Holt and Mae Clarke

(Columbia, Mar. 22; time, 61 min.)

A poor program melodrama. The story is far-fetched and not particularly interesting; and it is not until the closing scenes that it actually becomes exciting. There one is held in mild suspense, owing to the danger to Holt, a newspaper reporter who had inadvertently become involved with the Foreign Legion. The photography is superior to the story values. Holt and Mae Clarke try hard to make their roles convincing, but they are hampered by poor material. There is no romantic interest. The background is Morocco.

J. D. Newson wrote the story, and Paul Franklin, the

J. D. Newson wrote the story, and Paul Franklin, the screen play; Ernest B. Schoedsack directed it, and Larry Darmour produced it. In the east are C. Henry Gordon, Oscar Apfel, and others.

Morally suitable for all. Class .4.

Harry Joe Brown, and directed by William Dieterle, from a screen play by Milton Krims and Tom Reed: Good to Fair.

"Ready, Willing, and Able," with Ruby Kecler, Louise Fazenda, Carol Hughes, and the late Ross Alexander; produced by Sam Bischoff, and directed by Ray Enright, from a screen play by Jerry Wald, Sig Herzig, and Warren Duff: Good to Fair. (Although the box office results have been from Good to Fair, the picture is tiresome.)

"Midnight Court," with Ann Dvorak and John Litel, produced by Bryan Foy, and directed by Frank McDonald, from a screen play by Don Ryan and Kenneth Gamet: Fair.

Grouping together these pictures (westerns excluded) in accordance with their ratings, we get the following results:

Very Good to Good, 3; Very Good to Poor, 1; Good to Fair, 4; Fair, 5; Fair to Poor, 1.

The first 14 of the 1935-36 season were rated as follows: Very Good, 3; Good, 2; Good to Fair, 3; Fair to Poor, 3.

This season's box office performances of this company's pictures have fallen slightly under the 1935-36 season's.

### PERCENTAGE BUYING AN ISSUE THE NEXT SEASON

It seems as if the independent exhibitors will take a decided stand the coming season against buying pictures on a percentage basis. The first gun against this method of offering pictures for sale was taken in Minneapolis, at the convention of the exhibitors, which was held the first week of this month.

For three weeks previously to the holding of the meeting, the organization sent letters to the members urging them to attend the convention to help determine important policies.

The convention was attended well, and the resolution against buying pictures on a percentage basis for the 1937-38 season carried unanimously.

There is no doubt that the Annual Allied States meeting, which will be held early in May in Milwaukee, will take a similar stand.

Incidentally, this paper wishes to remind you that the Allied States Association is urging the independent exhibitors not to buy any pictures until after the Milwaukee convention. The matters that will be aired at that convention should help every exhibitor buy pictures at fairer terms.

### A POINT TO BE REMEMBERED IN SIGNING A SELECTIVE CONTRACT

An exhibitor has written me as follows:

"We bought from Twentieth Century-Fox 32 pictures, 14 in the 'A' group, at \$25.00 each, and 18 in the 'B' group, at \$15.00, including score.

"We have run or play-dated all the 14 of the 'A' group, and we feel that we are entitled to select the 18 of the 'B' group from the balance of the product. Are we correct? Fox refuses to allow us to book these pictures according to our views.

"Kindly note the word 'all' in the introductory provision of the Schedulc in the contract."

The introductory provision in the schedule of this company's contract begins as follows:

"There are licensed for exhibition hereunder all of the sound photoplays of feature length, not to exceed fifty-six (56), and not less than forty-five (45), including a maximum of four (4) English produced photoplays, . . . "

The "all" provision, however, is overruled by the typedin provision in the schedulc, licensing specifically 14 "A" pictures and 18 "B."

A further provision in the schedule gives the right to the distributor to designate the pictures in the different groups and to apply the license fees on them in accordance with the stipulation in the schedulc. Thus it is left to the distributor to say which pictures shall be placed in the "A" group and which in the "B."

Although the exhibitor does not make himself clear, it is my belief that the distributor insists that, as to the "B" pictures, the exhibitor shall accept the 18 pictures, other than those that are designated as "A", from the first releases, in accordance with the order of their release.

If we are to be guided by the language of the contract, the distributor's position is correct. Morally, however, the distributor is wrong, for the exhibitor, at the time of signing the application for the Fox product, thought that he was buying a selective contract; that is, that he reserved the right to select the 18 "B" pictures from all the Twentieth Century-Fox product other than the pictures designated as "A." And no doubt the representative of the distributor knew that such were the exhibitor's thoughts. For the Fox branch manager now to refuse this exhibitor that which is his moral right, demonstrates again how careful one must be in signing a contract.

In the future, should you buy a contract with all the pictures on a flat rental basis, with the number of pictures purchased fewer than the total number offered, you should insert into the contract a provision giving you the right to name the pictures of the different classes as you see fit. The distributor suffers no loss by such an arrangement—it makes no difference to him for which pictures you pay the higher prices and for which the lower prices. All he has to do to protect himself against a case where the exhibitor selects the best pictures and puts them in the lower classifications is to state in the contract that the exhibitor be obligated to play or pay for at least one-twelfth of each class a month. Only by such a provision can an exhibitor really have his contract selective.

### ONE WAY TO ASSURE THE PASSAGE OF A THEATRE DIVORCE BILL IN YOUR STATE

In the next few weeks, more theatre divorce bills, similar to the Bill that was passed by the North Dakota Legislature, will be introduced in additional states. As a matter of fact, the Allied success in North Dakota, and the bright prospects in some of the other states in which a similar bill has been introduced, have so encouraged the exhibitors, that they are determined to see that a bill is introduced in every state in the Union.

Legal minds, such as the Dean of the Law School of Columbia University, have declared that the Bill is constitutional and should be upheld by the U. S. Supreme Court even as now constituted; but with the efforts of President Roosevelt to liberalize the courts, the assurance that the Bill will be approved by the U. S. Supreme Court becomes double.

One way whereby you could be sure that a theatre divorce measure passes your state legislature is for your organization, helped by each member individually, to enlist the support of the small business men. Your grocer fears chain competition just as much as you yourself. The same is true of small men in other businesses. With the present feeling against monopolies, you should have no trouble in enlisting the support of every business man who struggles to keep his business going against chain monopolies. These men are all good voters. And a legislator would hesitate before he could act deaf to the appeals from his constituents.

If the heads of your state organization have not yet approached a member of your state legislature to introduce a theatre divorce bill, urge them to do so at once. Time is valuable and waste of it is injurious to your interests.

If you want to retain your income, you can do so by having a theatre divorce bill passed by your state legislature. Think of what that will mean to your future if the producers were to be allowed to continue their theatre expansion activities. Their theatres are making money and they are having at their disposal plentiful finances with which to put up a competitive theatre against you.

Make out a check for an amount as big as your purse can stand and send it to Mr. James Ritter, Rialto Theatre, Detroit, Michigan. Mr. Ritter is the treasurer of the Exhibitor Defense Committee, which is having the passing of theatre divorce bills in its hands. It takes money to conduct such a campaign and every one of you should do your bit by coming through with a check.

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#### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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No. 14

#### THE WHY OF "LOST HORIZON"!

Despite the skillfull way by which Frank Capra, the Columbia director, handled James Hilton's novel, "Lost Horizon," making a magnificent, awe-inspiring picture out of it, this paper still feels that Mr. Capra made a mistake in grappling with such a story when the amount of money he spent on it is taken into consideration. With the \$1,800,000 he is supposed to have spent on it, and with the time he consumed, he could have produced at least three big moneymaking pictures. His talents would thus have brought better results: both Columbia and the exhibitors would have made far more money out of the three pictures than they will out of "Lost Horizon."

Pictures such as "Mr. Deeds Goes to Town" and "It Happened One Night," taken together, bring greater profits than brings a picture such as "Lost Horizon"; and they leave the spectator in a far happier frame of mind. The story of "Lost Horizon" is a preachment—its theme is didatic, and despite the lavishness with which it has been produced it is still a preachment, whereas the stories on which the two comedies mentioned were based are entertainment, peple liked them because they dealt with matters that are close to every one's everyday lige.

It seems as if most Hollywood artists, when they gain recognition, and with it fame and fortune, conceive the idea of either saving the world or impressing it with their extraordinary artistic abilities. Notice, for instance, the case of the late Irving Thalberg, whose memory we all revere: In his late pictures, Mr. Thalberg paid more attention to art than to the box office. The reason for it is the fact that, having no longer any financial cares, he lost somewhat touch with those who were struggling to make a living from the profits derived from his pictures. In the Warner Bros. lot, too, some one is growing "artistic." Notice "Green Pastures" and "Midsummer Night's Dream." Chaplin, a class by himself as a comedian, is losing sight of "how the other half lives"; he wants to make "Hamlet," as I understand.

But Chaplin can afford to experiment with classics; the loss of half a million or so in a desire to give an outlet to his artistic urge will not send him to the poor house. Likewise with the Warner Bros. and Metro-Goldwyn-Mayer studios—they can afford to experiment with artistic pictures that cost two million dollars or more; they have theatre affiliations as well as theatres to absorb the negative cost. Besides, these two companies do not put all their eggs in one basket. Is Columbia in the same position? Can it afford to act like the person who, having made a million or so in Wall Street, tries to live like the Astors, or the Vanderbilts? For years Columbia has been subsisting on the Capra pictures: the exhibitors bought the Columbia product, paying good money for it, just to get this director's pictures. You may imagine then how these exhibitors will feel when they, after buying the 1936-37 product to get Capra's "Lost Horizon," are told that they can't have it. And Columbia cannot deliver another Capra picture to them; or I doubt whether it will deliver another. A venture such as that of "Lost Horizon" is, therefore, costly, not only to Columbia, but also to the exhibitors; more costly to Columbia, I believe, for it is unlikely that the exhibitors will forget that they bought the 1936-37 Columbia product to get at least onc Capra picture and will receive none. When the Columbia salesmen go around to resell "Lost Horizon" to the old accounts, they had better plug their ears with cotton; and if they should happen to sell it to these exhibitors' competitors, Columbia will run the risk of losing much good

Another matter that those who buy Columbia pictures must take into consideration is this: Will Mr. Capra be

hereafter satisfied to produce pictures that cost less than one and one-half million dollars? Will he be happy with pictures that cost less than a million?

I would not be surprised if Harry Cohn lost his hold on Capra as a result of this picture.

#### THE LATEST HAYS BULLETIN ABOUT BLOCK BOOKING

I have received the following letter from a small town exhibitor:

"I am sure that you must have seen a bulletin which was mailed out during the past month by the MPPDA under the heading of 'The Truth About Block-Booking.'

"There is one paragraph in this bulletin which puzzles me greatly, and that is No. 2, which I quote in its entirety:

""Block booking" makes it economically possible for millions to see the best pictures that the industry can produce at the lowest admission prices. It permits the little exhibitor to rent for eight or ten dollars a film which costs a first-run metropolitan theatre many thousand dollars.

"Please don't laugh. That was actually printed and distributed to thousands of people who initiate thought and action in thousands of communities all over the country to influence them in their attitude towards legislation applying to motion pictures.

"Now, I am a little exhibitor. I mean in the real sense of is a town of 1,500 people. My theatre the word. is a converted auditorium. It is owned by a Church. I pay rent to the Church, so that they will be able to amortize their debt on the auditorium. And I pay a pretty high rent. But I don't mind that. But I do mind the statement which may lead some people to believe that I pay eight to ten dollars for my film. Far from it. For pictures like 'Great Ziegfeld,' I had to pay Metro over a hundred dollars, based on 40% of the receipts; for 'San Francisco,' over one hundred dollars, based on 35% of the receipts. You can imagine what I must pay for other pictures. To say nothing about news-reels and short subjects.

"If you can find the time and the space, kindly expose this mean method of misleading the public through the medium of a printed pamphlet mailed to thousands of men and women all over the country. You have already put many noteworthy articles on this group in your valuable paper. This new one from them should not go unnoticed."

The most weighty comment that I could make in these columns about the Hays Association's latest pamphlet is to reproduce an editorial that appeared in the March 24 issue of The Christian Century:

"The Hays Office is circulating widely a leaflet entitled 'The Truth About Block-Booking.' We have searched it in vain, however, to find the truth. The most significant fact about it is that it omits the argument which the producers formerly played up most conspicuously: that block-booking was the only method by which the socially valuable pictures could be sold to most exhibitors. The theory used to be that these socially valuable pictures were money losers and exhibitors preferred lower grade films out of which they could make money. That argument has recently been knocked into a cocked hat, for the list of the pictures most highly approved during the last few years from the standpoint of quality has been almost identical with the list of best paying pictures. Block-booking is now and always has been the device by which producers wish their worst pictures, their cheapest, and their least paying upon the exhibitors. The new leaflet rehashes the other old

(Continued on last page)

### "23½ Hours Leave" with James Ellison and Terry Walker

(Grand National, March 20; time, 711/2 min.)

A delightful comedy. As in the silent version produced in 1919 by Paramount, it is a wholesome, breezy, and consistently amusing entertainment. Every one in the cast is likeable, each one playing his part with zest and realism. James Ellison fits the leading role perfectly, and is at ease in the romantic scenes just as he is in the comedy scenes with his buddies. One of the funniest situations is that in which the privates, who had been deprived of their uniforms just when they were given twenty-three and one-half hours leave, rush away from camp in their underwear, wearing top coats over it. The things that happen to them, particularly to Ellison, who had been stripped of his coat by his irate buddies and had been forced to rush through a building in his underwear in search of a suit of clothes, should provoke hearty laughter. The musical interpolations are a welcome addition; they do not retard the action, which takes place at an American army training camp during the World War.

In the development of the plot, Ellison meets and falls in love with Terry Walker, the General's daughter, without at first realizing who she was. He makes a bet with his buddies that he would become good friends with the General and that he would be invited to breakfast with him, at which time he would eat pattycakes. Everyone takes a part of the bet feeling that he could never win it. But accidentally he brings about the capture of spies. For this he wins the gratitude of the General, who, having heard about the bet, invites him to breakfast and orders pattycakes. The other privates are crestfallen when Ellison returns to camp riding in the General's car, with the General on one side of him and the General's beautiful daughter on the other. Miss Walker confesses her love for Ellison and tells him that she would wait for him.

Mary Roberts Rinehart wrote the story, and Henry McCarthy and Harry Ruskin, the screen play; John G. Blystone directed it, and Douglas MacLean produced it. In the cast are Morgan Hill, Arthur Lake, Paul Harvey, Wally Maher, Andy Andrews, Pat Gleason, and others.

Suitable for all. Class A.

### "The Crime Nobody Saw" with Lew Ayres, Benny Baker and Eugene Pallette

(Paramount, March 12; time, 62 min.)

A fair murder mystery melodrama of program grade, with a good sprinkling of comedy. Although most of the action takes place practically in one room, things happen all the time. Thus one's attention is held fairly well throughout. The spectator is kept guessing as to the murderer's identity, which is not divulged until the end. A good many old tricks are used to create an eerie atmosphere—lights go out, doors open and shut, and mysterious looking persons enter rooms. The novel part about this picture is the fact that the police do not enter the story until the end, and the murder is cleared up by the three amateurs who had set out to solve it themselves so that they could have material for the murder play they were writing. The manner in which they become involved in the murder is amusing, for they had not expected things to go so far as they did. There is no romance.

Ellery Queen and Lowell Brentano wrote the original screen play. Charles Barton directed it. In the cast are Ruth Coleman, Vivienne Osborne, Colin Tapley, Ferdinand Gottschalk, Hattie McDougal and Robert Emmett O'Connor.

Not suitable for children. Adult entertainment. Class B.

### "Waikiki Wedding" with Bing Crosby, Martha Raye and Bob Burns (Paramount, March 26; time, 88 min.)

The following is what "Waikiki Wedding" offers: Bing Crosby's crooning, Martha Raye's clowning, a romantic South Sea Island background, and popular songs. Undoubtedly these are enough to satisfy most people. And so, as far as they are concerned, it is very good entertainment; but for the more discriminating it is lacking in some respects. For one thing, the story is extremely thin; for another, it drags considerably in spots, becoming tiresome. There is very little to the

plot, which serves merely as a framework for Miss Raye's antics and for Crosby's singing. The picture's opening is excellent and should put the spectator in a pleasant frame of mind; it shows a native wedding at which the Hawaiians sing and dance. The romance is developed according to formula, and is pleasant in its way:—

Shirley Ross, who had been selected as the "Pine-apple Girl" by the pineapple firm for which Crosby was the publicity agent, is brought to the Hawaiian Islands, there to write a series of articles telling of their beauties. But she finds the place boring and decides to go back home, much to the annoyance of the owners of the pineapple concern. They prevail upon Crosby to make an effort to keep her on the island. He arranges with some natives to kidnap her, her companion (Miss Raye), himself, and his pal (Bob Burns), and to take them to an island where the natives were to pretend to be angry with Miss Ross for being in possession of a stolen sacred jewel, which had made their god angry, resulting in the causing of the volcano to erupt. Miss Ross is enchanted with the romantic atmosphere, the ceremonies, dances, music, and moonlight. She falls deeply in love with Crosby, as he does with her. After a delightful stay, Crosby pretends to manage their escape. Just before they reach shore Crosby proposes and is accepted. But when she returns to her hotel and finds out that he had tricked her, and that he had sent in articles supposedly written by herself, she denounces him and decides to return to the states with her uncle and her fiance, who had come for her. But Crosby uses another trick to make her change her mind. They are reconciled.

Frank Butler and Don Hartman wrote the story, and Frank Butler, Don Hartman, Walter DeLeon and Francis Martin, the screen play; Frank Tuttle directed it, and Arthur Hornblow, Jr., produced it. In the cast are George Barbier, Leif Erikson, Grady Sutton, and others.

Suitable for all. Class A.

### "The Man Who Found Himself" with John Beal, Joan Fontaine and Philip Huston

(RKO, April 2; time, 66 min.)

A fair romantic melodrama, of program grade. The story is neither new nor convincing; its appeal lies mainly in the good performances by the leading players, particularly by Joan Fontaine, a newcomer, who is good-looking and shows acting ability. Since the plot is patterned according to formula and one knows in advance what is going to happen, one is never held in tense suspense. The spectator is, nevertheless, in sympathy with the leading characters. The romance is pleasant:—

John Beal, a young and promising surgeon, is accused unjustly of having done an unethical act when he took as a passenger in his private plane a young woman friend, who had pleaded with him to permit her to accompany him because she had to reach her sick mother and could not charter a plane because of bad weather conditions. The plane had crashed and the woman had been killed. This had involved Beal in an unpleasant scandal with the husband of the dead woman. Disgusted at the smug complacency of the members of the Medical Board, who had refused to believe his story, and at the fact that his fiancee doubted him, he gives up the practice of medicine, much to his father's sorrow. While traveling with a group of hobos, he is accident-ally found by an old friend (Philip Huston), who, knowing of Beal's ability as a pilot and mechanic, induces him to take a job with the aeroplane company for which he was working. Miss Fontaine, a nurse attached to the flying hospital plane, is attracted to Beal; she draws him out of his shell and they become good friends. When she finds out who he is she is determined to bring him back to the medical profession. This she finally accomplishes when Beal flies to the aid of vic-tims of a train wreck and plunges into the work of helping the injured. Beal is reconciled with his father, who had been in the train wreck; he tells Miss Fontaine that he loves her.

The plot was adapted from the story "Wings of Mercy," by Alice F. Curtis. J. Robert Bren, Edmund L. Hartmann, G. V. Atwater, and Thomas Lennon wrote the screen play; Lew Landers directed it, and Cliff Reid produced it. In the cast are Jane Walsh, George Irving, and others.

### "Seventh Heaven" with Simone Simon and James Stewart

(20th Century-Fox, March 26; time, 100 min.)

This is another case where an old story has been resurrected with poor results. When Fox first made this as a silent in 1927, with Janet Gaynor and Charles Farrell in the leading roles, it was an outstanding picture, one that stirred the emotions and held the spec-tator's attention throughout, mostly because of the excellent performances by the two leading players. But it is just the opposite in this version; the first half is so slow that it is conducive to sleep. Simone Simon's performance cannot be compared to Janet Gaynor's; it hasn't the tender wistfulness nor the pathetic appeal that Miss Gaynor gave to the role. A great deal of footage is taken up with unnecessary close shots of Miss Simon, whose expression is blank. Stewart does not seem to fit his role either. The addition of dialogue doesn't seem to help matters much; it just tends to slow up the action. The background is France:

Gale Sondergaard, who ran a cafe, resented the fact that her sister (Miss Simon) refused to let men patrons kiss her; for this she beats her. On one of these occasions James Stewart, a sewer worker, rescues Miss Simon. Jean Hersholt, the neighborhood priest, who was amused at Stewart's atheistic avowals, helps Stewart attain his greatest ambition—that is, to be a street washer. He asks Stewart to take care of Miss Simon. When Miss Sondergaard tries to have her sister arrested by preferring charges against her, Stewart again comes to the girl's rescue by claiming her as his wife. Knowing that the police wauld try to verify his assertion, Stewart takes Miss Simon to his apartment. They soon fall deeply in love. Just on the day that they were to be married, Stewart receives his conscription notice, leaving no time for them to marry. They take their own vows and consider themselves married. After the four years of war, during which they do not forget each other even for once, Stewart returns home blind. Miss Simon is overjoyed to have him back, and looks forward to helping him recover his sight.

The plot was adapted from the play by Austin Strong; Melville Baker wrote the screenplay, Henry King directed it, and Raymond Griffith produced it. In the cast are Gregory Ratoff, J. Edward Bromberg, John Qualen, Victor Kilian, Mady Christians, and others.

Suitable for all. Class A.

### "When Love Is Young" with Virginia Bruce and Kent Taylor

(Universal, April 4; time, 76 min.)

This is good program entertainment. Although there is nothing startling or original in the plot, it rises above run-of-the-mill product by virtue of intelligent direction and expert performances by the leading players. Virginia Bruce is appealing in the role of the country girl who makes good in the big city; she enacts the part with realism and awakens one's sympathy by not letting success go to her head. The music is made an important part of the story and is interpolated in a natural way without retarding the action. There is one good production number; it takes place during the performance of a play in which Miss Bruce was starring. The romance is pleasant:

Miss Bruce, a plain country girl, is heartbroken when her classmates predict that she would make an excellent farmerette and grow pumpkins. She is further humiliated when she learns that William Tannen, her idol, had danced with her just on a bet. At the insistance of her parents, Miss Bruce goes to New York with her uncle (Walter Brennan) to study for the opera. After working tirelessly for many months at her lessons, she is disappointed when her teacher tells her that her voice was good but not good enough for opera. She becomes acquainted with Kent Taylor, press agent for Jack Smart, a theatrical producer, who helps her get a small radio assignment. After many months of work she realizes that she was making no progress, and when she learns that Taylor had obtained the assignment for her not because he had confidence in her ability but because he had felt sorry for her, she upbraids him, making him realize that she had spirit and ability. Taylor induces Smart to give her the leading role in his new musical play, and she is hailed by the critics as a new find. But with all her success she cannot forget Tannen and decides to go back home for a visit; she does not know that Kent loved her. She visits her hometown, and when she meets Tannen and realizes that she had been worshipping a worthless person she rushes back to New York and to Taylor's arms.

The plot was adapted from the story "Class Prophecy," by Eleanor Griffin. Eve Greene and Joseph Fields wrote the screen play, Hal Mohr directed it, and Robert Presnell produced it. In the cast are Greta Meyer, Christian Rub, Jean Rogers, and others.
Suitable for all. Class A.

### "Step Lively, Jeeves" with Arthur Treacher, Patricia Ellis and Robert Kent

(20th Century-Fox, April 9; time, 68 min.)

A pleasant program comedy; it has been given an unusually good production for a Class "B" picture. The ever-reliable Arthur Treacher is excellent in the role of the erstwhile butler who is led by two crooks to believe that he was a lord, descendant of the famous Sir Francis Drake. One is in sympathy with him when he finally learns that he had been duped. The second half holds one in suspense; there a notorious gangster becomes a partner to the scheme, not knowing that he was being duped. Every one in the cast contributes some share to the comedy situations, particularly Helen Flint, as the tough gangster's wife who wanted to "crash" society. Patricia Ellis and Robert Kent handle the romantic interest pleasantly.

Frances Hyland wrote the story, and Frank Fenton and Lynn Root, the screen play; Eugene Forde directed it, and John Stone produced it. In the cast are George Cooper, Arthur Housman, and others.

Siutable for all. Class A.

### "Maytime" with Jeanette MacDonald, Nelson Eddy and John Barrymore

(MGM, March 26; running time, 132 min.)

Excellent, although not quite as good as "Rose Marie" (it has too much operatic music to suit the masses). It is a musical feast, varying in its songs from operatic arias to the simple "Carry Me Back to Old Virginny" tune, which are sung well by Jeanette MacDonald and Nelson Eddy; and the production is extremely lavish. With it is blended a love story that should touch the hearts of all. Although the plot has been altered completely, the sad but sweet sentimental quality of the original remains. One is in deep sympathy with the hero and the heroine, who are compelled to part because of the heroine's faithfulness to the man who had helped her achieve fame. The parting is handled in an intelligent manner, and is stirring without being mawkish. There are several scenes that bring tears to the eyes. The situation where the hero is shot by the heroine's jealous husband is one such scene. The sound is very bad in spots.

Under the careful training of John Barrymore, Miss MacDonald becomes a famous opera singer, and feels she owed everything to him. He had always treated her with utmost respect, for which she was grateful, and when he proposes marriage she accepts him. Just before her marriage she meets Nelson Eddy, a carefree young singer who had been living in Paris; he had refused to take his music seriously. In a short time they fall in love, but Miss MacDonald feels that she could not go back on her word to Barrymore, and so the lovers part; she marries Barrymore. Years later in New York they meet again; he had been chosen to sing opposite her at the opening night at the Metropolitan. The stirring love duet they sing so breaks down their reserve that they resolve not to part again. Barrymore, who was desperately in love with his wife, cannot bear parting from her; and so, in a fit of jealousy, he goes to Eddy's apartment and kills him.

The story is told in flashback. Miss MacDonald, first shown as an old woman who, in order to patch up a quarrel between Tom Brown and his sweetheart (Lynne Carver), who wanted to go to New York for a career, takes Miss Carver into her confidence by telling her the story of her life. No one in the small town to which she had retired after Eddy's death knew who she was. She is happy when Miss Carver tells her that she would not leave Brown.

The plot was adapted from the play by Rida Johnson Young. Noel Langley wrote the screen play, Robert Leonard directed it, and Hunt Stromberg produced it. In the cast are Herman Bing, Rafaela Ottiana, Charles Judels, Paul Porcasi, Sig Rumann, and others

Despite the murder, it is suitable for the entire family.

Class A.

arguments in behalf of block-booking. First we are told that it is simply 'the trade name for the wholesale selling of motion picture.' In no other industry does wholesaling require the retailer to purchase rotten eggs along with the good ones. Next, we are assured that block-booking is not compulsory. As proof the leaflet states that some pictures receive much wider circulation than others. It omits, however, to say that a major reason for this extra circulation of some pictures is repeat performances. An examination of the contracts offered by the leading motion picture distributors reveals that they require the purchase of all or none of each company's entire year's output. The printed contracts give the exhibitor no right to select which pictures he shall accept and which reject. He can reject a total of only ten per cent and this only under difficult conditions. The manager of a theatre in Ohio recently stated the case candidly in an ad concerning a double feature foisted upon him by his block-booking contract. He added this line to his advertisement: 'Neither one any good.' The public will eventually pass the same judgment on such arguments for block-booking as this leaflet pre-

For your information, *The Christian Century* is a non-denominational religious publication with a highly liberal editorial policy. Its subject matter is not confined to religious matters, but is varied: it treats with current happenings, in the political as well as the economic field, and with foreign affairs just as profoundly as it does with religious subjects. To suppressed races, *The Christian Century* is the best defender. In its political views, it is most liberal. And it believes in the cause of the independent theater owners.

### THE PARAMOUNT WAY

Recently Paramount started a most successful drive—the Zukor drive. And the reason why it is being successful is the fact that, out of regard for Mr. Zukor, every independent exhibitor who could cooperated by giving the exchanges play-dates.

In gratitude, Paramount is taking two important pictures away from those who hold 1936-37 season's contracts, and placing them for sale on the 1937-38 season. They are "Souls at Sea," and "High, Wide and Handsome."

"Souls at Sea" was announced in the 1936-37 season's work sheet as "Slave Ship," "Paramount's Second Big All-Technicolor picture of the year," as the work sheet stated. Gary Cooper was promised as the star.

"Souls at Sea" is not, of course, a technicolor picture, and no story was given with "Slave Ship" to enable one to compare the two stories; but Gary Cooper is in "Souls at Sea," as announced in "Slave Ship," and the booklet Paramount issued for the benefit of those who intended to attend the Producer Miami Follies (MPTOA convention) describes it as a "Surging drama of slave traders." Thus there can be no question that "Souls at Sea" is "Slave Ship."

As to "High, Wide and Handsome," there can be not even the slightest question as to its being the picture offered to the exhibitors in the 1936-37 season, for the finished product has Irene Dunne and Randolph Scott in the leading parts, just as it was promised in the work sheet, and the story is by Oscar Hammerstein II and the music by Jerome Kern, the names mentioned in the work sheet.

A few exhibtiors have written me about this matter and informed me that there is considerable feeling against Paramount as a result of this attempted grab. As a matter of fact, the information sent to me has it that Paramount, having in all likelihood exhausted its high-allocation pictures and having no place for these two pictures, decided to pull them off the 1936-37 season and resell them in the 1937-38 season rather than deliver them to the contract holders as low-allocation pictures.

How the exhibitors of the entire country will react to this attempted grab when the facts become known to them all it is hard to say just now; but HARRISON'S REPORTS would not be surprised if the news created a painful impression and induced the exhibitors to take it out of Paramount in some other way.

HARRISON'S REPORTS has stated repeatedly that morals do not guide the "other half" of the motion picture industry, for in the long years of its existence it has noticed that, whenever a producer wants to get more money from a picture, he gets it—that is all: he just pulls that picture off the program and sells it for more money, either that season or the subsequent season.

### WARNER BROS. SWITCHING NUMBERS.

"Black Legion" was originally given No. 112 as a production number. Later it was changed to No. 108. Number 112 has now been given to "Ready, Willing and Able."

An exhibitor, commenting upon this number-switching, says the following:

"It seems as if 'Ready, Willing and Able,' which is a higher allocation picture, is not doing so well, and since 'Black Legion' picked up somewhat they made the switch in the numbers so that they may take the last dollar possible out of the exhibitors. Do you think that it is fair?"

No, I don't think so! But what has fairness got to dowith how the distributors act in this business? The contract gives them the right to do the switching and they do it. When the Pettengill Bill becomes a law and the exhibitor gets the right to buy pictures in accordance with certain specifications, some sort of fairness will be established in buying pictures. For this reason, instead of complaining against conditions that cannot be remedied under the existing order, you should see the members of the House of Representatives as well as the Senators of your State, and urge them to support the Neely-Pettengill Bill. It is the only way out.

### NORTH DAKOTA THEATRE DIVORCE BILL NOW A LAW OF THAT STATE

On Monday, March 15, Governor William Langer, of the State of North Dakota, signed the what is now known as Theatre Divorce Bill, making illegal the ownership of theatres, either direct or indirect, or the operation of them by motion picture producers or distributors.

The motion picture producers will, of course, attack the constitutionality of this law in the courts, and we shall not have a final verdict until the United States Supreme Court renders its opinion.

Ordinarily, a case of this kind could be dragged in the courts for years. As a matter of fact, the strategy of the producers, if the trade paper statements are to be taken as representing their intentions, was so to drag it. But if the President's Court Reform program goes through, even in part, the case should reach the United States Supreme Court without any delay. In the meantime, all we can do is to wait.

The next move is the producers'. Your move should be to send a check to Mr. James Ritter, treasurer of the Exhibitor Defense Committee, Rialto Theatre, Detroit, Michigan, to be used by this Committee in carrying on the fight for the separation of exhibition from production more intensely. Remember that every dollar you send to Mr. Ritter will go toward making your income from your theatre safe.

### A PROPOSAL IN THE HOUSE TO AIR THE INDUSTRY'S PRACTICES

Under date of February 10, a memorandum was submitted to the Judiciary Committee of the House of Representatives by Allied States Association, petitioning for relief from "Contracts, Combinations, Conspiracies and Monopolies" in the motion picture industry.

The memorandum gave the abuses in a comprehensive manner and informed the Committee where it could obtain proof of these charges.

On March 19, Congressman Hobbs, of Alabama, introduced in the House of Representatives a resolution, now known as H. Res. 160, to empower the Committee on the Judiciary to make "a sweeping and thorough investigation of the organization, financing, and practices" of: the Hays Association; the activities of its members; the efforts of the theatre-owning producers to regulate admission prices of independent theatres; the relations of producers of pictures with the manufacturers of electrical appliances, as well as the principal music publishers and the trailer companies; percentage playing; compulsory designation of play-dates, and other abuses.

The Resolution was referred to the Committee on Rules.

The producers will, of course, make a determined effort to prevent the passage of this Resolution, but if every independent theatre owner should make his sentiments known to his Congressmen, there is not the slightest doubt that it will be adopted; they are interested, I am sure, more in the wants of their constituents than in the representations of those who have been exploiting the theatre owners and the public for years.

Get busy!

### HARRISON'S REPORTS

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L-421 Servant of the People—Special (21 min.)Apr. 9	9 Magician Mickey—Mickey Mouse (8 min.)Feb. 19 10 Moose Hunters—Mickey Mouse (9 min.)Mar. 2
Paramount—One Reel C6-4 Bunny-Mooning—Color Classic (6 min.)Feb. 12	Universal—One Reel A1277 House of Magic—Meany cart. (7½ m.)Feb. 8
E6-7 Organ Grinder's Swing—Popeye (6 min.) Feb. 19 R6-8 On the Nose—Sportlight (9½ min.) Feb. 26	A1157 Fun Begins at Home-Mentone (10 m.)Feb. 17
J6-4 Popular Science No. 4—(10½ min.)Feb. 26	A1268 Everybody Sings—Oswald Cart. (7 m.)Feb. 22 A1390 Stranger Than Ficton No. 33—(9 m.)Mar. 1
V6-10 It's a Living—Paragraphics (10 min.)Mar. 5 A6-10 The Star Reporter No. 2—Head. (8½ m.). Mar. 12	A1278 The Big Race—Meany cart. (7 m.)Mar. 1 A1269 Duck Hunt—Oswald Cart. (7 min.)Mar. 8
P6-8 Paramount Pictorial No. 8—(9½ min.)Mar. 12 T6-8 The Hot Air Salesman—Betty Boop (5½m.) Mar. 12	A1377 Going Places with Thomas No. 33—(9m). Mar. 15 A1279 Lumber Camp—Meany cartoon (7 min.). Mar. 15
E6-8 My Artistical Temperature—Popeye (6 m.) Mar. 19 G6-4 Trees—Musical Romance (8½ min.)	A1158 It's on the Records—Mentone (10½ m.) Mar. 17 A1378 Going Places with Thomas No. 34—(8 m.) Mar. 22
R6-9 King Soccer—Sportlight (9 min.)Mar. 26 Sc6-4 Twilight on the Trail—S. Song (7½ min.) Mar. 26	A1391 Stranger Than Ficton No. 34—(9 m.)Mar. 29 A1270 The Birthday Party—Oswald (6½ m.)Mar. 29
V6-11 Nobody Home—Paragraphics (9½ min.) Apr. 2 A6-11 Blue Velvet Music—Headliner (9½ min.)Apr. 9	A1379 Going Places with Thomas No. 35—(9 m.) Apr. 12 A1159 Bargain Matinee—Mentone (10 min.)Apr. 14
P6-9 Paramount Pictorial No. 9	A1392 Stranger Than Fiction No. 35—(9 min.)Apr. 26
(6½ min.)	Universal—Two Reels A1688 The Killer Lion—Jungle No. 8—(18½ m.) Mar. 8
C6-5 Chicken a La King—Color ClassicApr. 16 R6-10 Wrestling (Its a Laugh)—Sport. (9 m.)Apr. 23	A1689 The Devil Bird—Jungle No. 9—(18 m.). Mar. 15 A1690 Descending Doom—Jungle No. 10 (18 m.) Mar. 22
V6-12 Safety in the Air—ParagraphicsApr. 30 J6-5 Popular Science No. 5Apr. 30	A1691 In the Cobra's Coils—Jun. No. 11 (20 m.). Mar. 29 A1692 The Last Safari—Jungle No. 12 (18 m.). Apr. 5
	A1781 Modern Pirates—Sec. Agent No. 1 (18 m.) Apr. 12 A1782 The Ray That Binds—Secret No. 2 (21 m.) Apr. 19
<b>RKO—One Reel</b> 74305 Ladies' Day—Bill Corum (10½m.) Dec. 18	A1783 The Man of Many Faces—Sec. No. 3 (21m.) Apr. 26
74505 Gold-Mania—World on Parade (11m.)Dec. 25 74403 Forest Gangsters—Struggle Live (9m.)Jan. 8	Vitaphone—One Reel 2304 Nice Work—Color adventures (10 m.)Jan. 30
74306 The Ice-Men—Bill Corum (10 min.) Jan. 15 74506 Romantic Mexico—World on Par. (10m.) Jan. 22	2205 Pigs Is Pigs—Merrie Melodies (7 min.)Jan. 30 2509 Roger Wolfe Kahn—Mel. Master (9 m.)Feb. 6
74604 Pathe Topics No. 4—(8 min.)	2806 Porky's Road Race—Looney Tunes (7½ m.) Feb. 7 2406 Horses, SwimWood Carv.—P. Rev. 11 m.) Feb. 13
74507 Manhattan Water Front—W. on Par. (11m.) Feb. 19 74605 Pathe Topics—(9 min.) Feb. 26	2706 Whale Ho—Novelties (19 min.)
74404 Not Yet Titled—Struggle to LiveMar. 5 74308 Saratoga Summers—Bill Corum (11 min.).Mar. 12	2307 Land of the Midnight Sun—Col. Ad. (10 m.) Feb. 27
74508 Mount Vernon—World on Parade (10 m.) Mar. 19 74606 Pathe Topics	2807 Picador Porky—Looney Tunes (8½ m.)Feb. 27 2707 Medium Well Done—Novelties (11 m.)Mar. 6
74309 Foreign Sports—Bill Corum (10 min.) Apr. 9 74509 California Mission—World on Parade Apr. 16	2607 Bring on the Girls—Vaudeville (10 m.)Mar. 6 2512 Peter Van Steeden—M. M. (10½ m.)Mar. 6
RKO—Two Reels	2206 I Only Have Eyes For You—M. M. (8 m.) .Mar. 6 2308 Nature the Artist—Color. Adv. (10 m.) Mar. 20
73104 March of Time—(22m.)	2407 Records-Girl Polo-Lipsticks—Pictorial Reviews (10 min.)
73302 Grandma's Buoys—Smart Set (16m.) Dec. 18 73105 March of Time—(19m.) Dec. 25	2511 Jacques Fray—Melody Masters (10 m.)Mar. 27 2207 The Fella with the Fiddle—M. M. (7½ m.) Mar. 27
73502 Deep South—Hall Johnson Choir (19m.)Jan. 1 73402 Hillbilly Goat—Edgar Kennedy (18m.)Jan. 15	2608 Big Time Vaudeville
73106 March of Time—(19m.)	2408 Not Yet Titled—Pictorial Review
73602 Singing in the Air—Headliner (19 min.)Feb. 19 73107 March of Time—(21 min.)Feb. 19	2513 Clyde McCoy—Melody Masters
73403 Bad Housekeeping—Kennedy (19 min.)Mar. 5	Vitaphone—Two Reels
73203 Horse Play—Norton-McHugh (18 min.). Mar. 19 73108 March of Time—(20 min.)	2024 Hotel a la Swing—B'way Brev. (21 m.) Mar. 13 2025 Mail and Female—Murray com. (22 m.) Mar. 27
73603 Rhythm on the Rampage—Fiorito (18 m.). Apr. 2 73404 Locks and Bonds—Kennedy (19 min.) Apr. 16 73109 March of Time	2026 Play Street—Preissers
73109 March of Time	2027 Lifers of the Party—Brevities

#### RELEASE DAY CHART FOR ALL NEWS WEEKLIES

Pathe !	News Wed.	Universal News Sat. Wed.	Fox News Sat. Wed.	Paromount News Sat. Wed.	Metrotone News
(Odd)	(Even)	(Even) (Odd)	(Even) (Odd)	(Odd) (Even)	Sat. Wed. (Even) (Odd)
Rel.	Rel.	Rel. Rel.	Rel. Rel.	Rel. Rel.	Rel. Rel.
Albany Fri. 0	Tues. 0	Sun. 1 Thur. 1	Sun. 1 Thur. 1	Mon. 2 Thur. 1	Sat. 0 Wed. 0
AtlantaMon. 2 BostonFri. 0	Thur. 1 Wed. 0	Mon. 2 Thur. 1 Sun. 1 Thur. 1	Sat. 0 Thur. 1 Sun. 1 Thur. 1	Sat. 0 Thur.1 Sat. 0 Wed. 0	Mon. 2 Thur. 1 Sun. 1 Wed. 0
	Wed. 0	Sun. 1 Thur. 1	Sun. 1 Thur. 1	Sun. 1 Thur. 1	Sat. 0 Wed. 0
Butte	<del></del>	Tues. 3 Sat. 3			Wed. 4 Sat. 3
Charleston					Mon. 2 Thur. 1
CharlotteMon. 2	Thur, 1	Mon. 2 Thur. 1	Sat. 0 Thur. 1	Mon. 2 Thur. 1	Mon. 2 Thur. 1
ChicagoSat. 0	Wed. 0	Sun. 1 Thur. 1	Sat. 0 Wed. 0	Sat. 0 Wed. 0	Sat. 0 Wed. 0
CincinnatiSat. 0 ClevelandSat. 0	Thur. 1 Wed. 0	Sun. 1 Thur. 1	Sat. 0 Wed. 0 Sat. 0 Wed. 0	Sat. 0 Wed. 0 Fri. 0 Wed. 0	Sun. 1 Thur. 1
Columbus	wed. 0	Sun. 1 Thur. 1	Sat. 0 Wed. 0	Sun. 1 Wed. 0	Sat. 0 Wed. 0 Sat. 0 Wed. 0
DallasSun. 1	Fri. 2	Wed. 4 Sat. 3	Tues. 3 Sat. 3	Wed. 4 Sun. 4	Wed. 4 Sat. 3
Denver Thur. 5		Wed. 4 Sat. 3	Tues. 3 Sat. 3	Sun. 1 Fri. 2	Wed. 4 Sat. 3
Des MoinesSat. 0	Thur. 1	Sun. 1 Thur. 1	Sat. 0 Thur. 1	Sat. 0 Wed. 0	Sun. 1 Thur. 1
DetroitFri. 0	Wed. 0	Sun. 1 Thur. 1	Sat. 0 Wed. 0	Sat. 0 Wed. 0	Sat. 0 Wed. 0
El Paso	XX7 1 0	C 1 771 1	C + 0 717 1 0	C 0 III 1 0	<u> </u>
IndianapolisSun. 1 JacksonvilleMon. 2	Wed. 0 Thur. 1	Sun. 1 Thur. 1	Sat. 0 Wed. 0	Sat. 0 Wed. 0 Sun. 1 Thur. 1	Sat. 0 Wed. 0
Kansas CitySun. 1	Thur. 1	Mon. 2 Fri. 2	Sun. 1 Thur. 1	Sun. 1 Thur. 1	Mon. 2 Thur. 1 Sat. 0 Wed. 0
	Tues. 6	Wed. 4 Sun. 4	Wed. 4 Sat. 3	Tues. 3 Sat. 3	Wed. 4 Sat. 3
MemphisSat. 0		Mon. 2 Fri. 2	Sat. 0 Thur. 1	Mon. 2 Thur. 1	Mon. 2 Thur. 1
MilwaukeeSat. 0	Wed. 0	Sun. 1 Thur. 1	Sat. 0 Wed. 0	Sat. 0 Thur. 1	Sat. 0 Wed. 0
MinneapolisSat. 0		Mon. 2 Fri. 2	Sat. 0 Thur. 1	Sat. 0 Thur. 1	Sun. 1 Thur. 1
	Wed. 0	Sun. 1 Thur. 1 Mon. 2 Thur. 1	Sat. 0 Wed. 0 Tues. 3 Sat. 3	Sat. 0 Wed. 0 Sun. 1 Thur. 1	Sat. 0 Wed. 0
New OrleansMon. 2					Sun. 1 Thur. 1
New York Sat. 0	Wed. 0	Sat. 0 Wed. 0	Sat. 0 Wed. 0	Sat. 0 Wed. 0	Sat. 0 Wed. 0
Oklahoma CityWed. 4	Sun. 4	Sun. 1 Thur. 1	Sat. 0 Thur. 1	Sat. 0 Thur. 1	Sun. 1 Thur. 1
OmahaSun. 1	Thur. 1	Mon. 2 Fri. 2	Sat. 0 Thur.1	Sat. 0 Thur. 1	Sun. 1 Thur.1
Peoria	W-4 0	V 2 Th 1	Sat. 0 Wed. 0	Fri. 0 Wed. 0	Sat. 0 Wed. 0
PhiladelphiaFri. 0 PittsburghSun. 1	Wed. 0 Thur. 1	Mon. 2 Thur. 1 Mon. 2 Thur. 1	Sat. 0 Wed. 0	Fri. 0 Wed. 0	Sat. 0 Wed. 0
Portland, Ore Mon. 2	Sat. 3	Wed. 4 Sun. 4	Wed. 4 Sat. 3	Mon. 2 Sat. 3	Wed. 4 Sat. 3
Portland, Me				Mon. 2 Thur. 1	Mon. 2 Thur. 1
St. LouisSun. 1	Fri. 2	Sun. 1 Thur. 1	Sat. 0 Thur. 1	Sat. 0 Thur. 1	Sat. 0 Wed. 0
Salt Lake City Wed. 4	Sun. 4	Thur. 5 Sat. 3	Wed. 4 Sat. 3	Mon. 2 Sat. 3	Wed. 4 Sat. 3
San Antonio	<u> </u>	Wed. 4 Sat. 3	W-1 4 C-4 2	Sun, 1 Thur, 1	Wed. 4 Sat. 3
San Francisco Tues. 3	Sat. 3 Sat. 3	Wed. 4 Sun. 4 Wed. 4 Sun. 4	Wed. 4 Sat. 3 Wed. 4 Sat. 3	Mon. 2 Sat. 3 Mon. 2 Fri. 2	Wed. 4 Sat. 3 Wed. 4 Sat. 3
Seattle	Wed. 0	Wed. 4 Sun. 4 Wed. 4 Sun. 4	wed. 4 Sat. 3	Sun. 1 Fri. 2	wed. 4 Sat. 3
Washington Sat. 0	Wed. 0	Sun. 1 Thur. 1	Sat. 0 Wed. 0	Sat. 0 Wed. 0	Sat. 0 Wed. 0
Wichita, Kans					Mon. 2 Thur. 1
Wilkes-Barre					Mon. 2 Thur. 1
Calgary			Fri. 6 Tues. 6	A combination of	
Montreal		Sun. 1 ——	Mon. 2 Fri. 2 Mon. 2 Fri. 2	both issues is sent on Tuesdays to Toron-	
St. John			Mon. 2 Fri. 2	to which distributes	
Vancouver			Thur. 5 Tues. 6	it to the other Ca-	
Winnipeg		Thur. 5 Mon. 5	Tues. 3 Sun. 4	nadian exchanges.	

### HOW THE AGE OF A PARTICULAR NEWSWEEKLY ISSUE MAY BE COMPUTED

Suppose you desire to find out whether the exchange delivers your newsweeklies at the age you contracted for! First look at the Release Day Chart under the column of the company whose weeklies you show. You will notice that there are little numbers by the side of the days. The meaning of these numbers is as follows:

Newsweeklies are released by all the companies in New York on Saturdays and on Wednesdays. The issue of any company is one day old in New York on the day of its release, whether such day is Saturday or Wednesday.

But it takes time for a print to reach another zone. To reach Dallas, for example, it takes 4 or 3 days by train. Naturally you cannot consider a Newsweekly one day old in that zone on the day of its release in New York, when it reaches that zone four days later. The practice of each company has been to consider a Newsweekly one day old on the day of its arrival and release in a particular zone. The little number by the side of each release day in the Chart indicates how many days later than the New York Release Date a particular issue may be considered one-day old in a particular zone.

Suppose you desire to find out how old is a Saturday release of the Universal News in Portland, Oregon. Look in the Saturday Column of the Universal News in the Release Day Chart; run down the column until you reach the line opposite Portland. The day given is Wednesday, and the figure is "4." Accordingly, the Saturday issue of the

Universal News, which is one day old in the New York zone on that day, is one day old in Portland on Wednesday; that is, four days later.

Universal News No. 556 will be released in the New York zone Saturday, April 24, on which day it will be one-day old, and in the Atlanta, Charlotte, Kansas City, Memphis, Minneapolis, New Orleans, Omaha, and Pittsburgh zones two days later; that is, on Monday, April 26, on which day it will be one-day old.

Pathe News No. 75278, which is the Even Issue, will be released in the New York zone on Wednesday April 21, on which day it will be one-day old, and in the Dallas, Denver, New Orleans, and St. Louis zones two days later; that is, on Friday, April 23, on which day it will be oneday old.

Fox Movietone News No. 64 will be released in the New York zone Saturday April 24, and in the Dallas, Denver, New Orleans and Winnipeg zones three days later; that is on Tuesday, April 27, on which day it will be one-day old.

Paramount News No. 76 will be released in the New York zone on Wednesday, April 28, on which day it will be one-day old, and in the Denver, Seattle, and the Sioux Falls zones two days later; that is, on Friday, April 30, on which day it will be one-day old.

Metrotone News No. 267 will be released in the New York zone on Wednesday, May 12, on which day it will be one-day old, and in the Butte, Dallas, Denver, Los Angeles, Salt Lake City, San Antonio, San Francisco and Seattle zones four days later; that is, Sunday, May 16, on which day it will be one-day old.

### NEWSWEEKLY **NEW YORK** RELEASE DATES

#### Universal

548	Saturday Mar. 27
549	Wednesday Mar. 31
550	Saturday Apr. 3
551	Wednesday Apr. 7
552	
553	
554	Saturday Apr. 17
555	Wednesday Apr. 21
556	Saturday Apr. 24
557	Wednesday Apr. 28
558	Saturday May 1
559	Wednesday May 5
560	Saturday May 8
561	Wednesday May 12
562	Saturday May 15
563	
564	Saturday May 22

	Fox Movietone					
59	Wednesday Apr. 7	7				
60	SaturdayApr. 10	)				
61	Wednesday Apr. 14	Į				
62	SaturdayApr. 17	7				
	Wednesday Apr. 21					
	SaturdayApr. 24					
65	Wednesday Apr. 28	3				
66	Saturday May 1	l				
67	Wednesday May 5	5				
68	Saturday May 8	3				
69	Wednesday May 12	2				
70	Saturday May 15	5				
	Wednesday May 19					
	Saturday May 22					

Paramount News
70 Wednesday Apr. 7
71 SaturdayApr. 10
72 Wednesday Apr.1
73 SaturdayApr. 1
74 Wednesday Apr. 21
75 Saturday Apr. 24
76 Wednesday Apr. 28
77 Saturday May 1
78 Wednesday May 5
79 Saturday May 8
80 Wednesday May 12
81 Saturday May 15
82 Wednesday May 19
83 Saturday May 22

#### Matratana Nass

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Wednesday Apr. 7
SaturdayApr. 10
Wednesday Apr. 14
SaturdayApr. 17
Wednesday Apr. 21
Saturday Apr. 24
Wednesday Apr. 28
Saturday May 1
Wednesday May 5
Saturday May 8
Wednesday May 12
Saturday May 15
Wednesday May 19
Saturday May 22

### Pathe News

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75274	Wed. (E.).Apr. 7
75175	Sat. (O.)Apr. 10
75276	Wed. (E.). Apr. 14
75177	Sat. (O.)Apr. 17
75278	Wed. (E.).Apr. 21
75179	Sat. (O.)Apr. 24
75280	Wed. (E.). Apr. 28
75181	Sat. (O.)May
75282	Wed. (E.). May
75183	Sat. (O.) May 8
75284	Wed. (E.). May 12
75185	Sat. (O.) May 15
75286	Wed. (E.). May 19

75187 Sat. (O.).. May 22

# HARRISON'S REPORTS

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### 1440 BROADWAY New York, N. Y.

A Motion Picture Reviewing Service Devoted Chiefly to the Interests of the Exhibitors

Its Editerial Policy: No Problem Too Big for Its Editorial Columns, if It is to Benefit the Exhibitor.

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Vol. XIX

SATURDAY, APRIL 10, 1937

No. 15

### HAVE COLUMBIA ACCOUNTS THE RIGHT TO CANCEL ONE PICTURE?

A Bulletin, published by Motion Picture Theatre Owners of Western Pennsylvania, the Pittsburgh Allied unit, and signed by Fred Herrington, the secretary, contains also the following item:

"Columbia has exercised its right under its contracts and canceled 'Lost Horizon.' They have a legal right to do so under Clause 18, Section C, of their agreements. However, YOU also have the right to cancel one picture under F of the same clause.

"We urge and advise that you exercise YOUR RIGHT under said Section F by canceling one of Columbia's high-allocated pictures. We further urge that you do not re-buy 'Lost Horizon' under any terms and conditions other than those contained in your original contract or at better terms.

"When this Capra picture was originally sold to you, it undoubtedly had a bearing on the entire contract you made with Columbia, as 'Capra' means something at the box-office. Now that Columbia is withdrawing this money-maker, your entire contract has depreciated in value."

I beg leave to differ with my good friend Herrington as to his belief that those exhibitors who hold a contract for "Lost Horizon" have the right to cancel one picture under provision F of the 18th Clause, or under any other provision.

It is true that the contract grants to the exhibitor the right to cancel one picture for every picture Columbia withdraws for roadshowing; but the picture to be canceled must belong to the same contract and to no other. The Capra contract provides for two maximum or one minimum Capra pictures, and since it is doubtful whether Columbia will deliver the second Capra picture on that contract, the exhibitor will have no picture that he may cancel. Only if Columbia consents to accept the cancellation of a picture from the main contract may the exhibitor take advantage of such a right.

There is nothing in this, or in the main contract, that makes the two contracts one. As a matter of fact, the main contract specifically excludes the two Capra productions.

But even if the contract-holding exhibitor had the right to cancel a picture from the main contract, or even if Columbia, in the absence of such a right on the part of the exhibitor, granted to the contract-holder the right to cancel one picture, I doubt if it will permit him to cancel one from the high-allocation group: the contract, by a provision in the Schedule under "Re-Application," grants to the distributor the right to switch the allocation of pictures to enable it to get the highest-allocation terms from the low allocation pictures, which may

be put in the place of any high-allocation pictures that may be canceled.

If you are a Columbia account and the exchange offered you the right to cancel one picture from the low-allocation group, you should reject the offer; for if you were to accept it you would, in my opinion, be compromising a principal, and the benefit would be insignificant.

I have been informed that this matter will be discussed at the Allied States convention, which will be held in Milwaukee, May 26, 27 and 28, at the Hotel Pfister. The organization may demand that Columbia adjust the contract of every exhibitor, from whom "Lost Horizon" has been taken away, because the Columbia product has, as Mr. Herrington says, depreciated in value by the withdrawal of this picture.

#### **ABOUT "SEVENTH HEAVEN"**

There is a scene in "Seventh Heaven" which, for a display of lack of good taste, has had no equal for some time; it shows rats running around in a trench.

The object of the director, or whoever has been responsible for this scene, was of course to reproduce the scene realistically; but, rats being filthy animals, the effect is lost entirely, and instead of impressing one such a scene disgusts one. Women, in particular, will be repelled, and may stay away from the theatre that will show this picture for many weeks afterwards.

Mr. Zanuck should see to it that this scene is removed from the picture.

#### DID COLUMBIA TELL THE TRUTH WHEN IT SAID IT DOES NOT ENCOURAGE NON-THEATRICAL COMPETITION?

The second paragraph of the resolution passed by the Board of Managers of the Philadelphia organization, which resolution is reproduced elsewhere in this issue, reveals the fact that Columbia has created a non-theatrical competitor at Bridgeport, Pa., because the local exhibitor failed for some reason to buy Columbia product. In the letter that was sent by it to the president of Motion Picture Theatre Owners of America in answer to its ten-point demands, Columbia denied that it encourages competition by non-theatricals against established exhibitors. Commenting on the Columbia answer in the February 13 issue, Harrison's Reports said the following:

"Since Harrison's Reports does not possess the facts proving that Columbia has sold pictures to schools, churches and other non-theatrical institu-

(Continued on last page)

### "Top of the Town" with George Murphy and Doris Nolan

(Universal, April 18; running time, 86 min.) From the production point of view, "Top of the Town" is magnificent. The sets, which are modernistic, are breathtaking in their hugeness and beauty. This is so particularly in the closing scenes, which represent a night club, which, in lavishness, has not been seen in pictures often. But the story-there is hardly any; and since there are no star names that mean very much to the box office, the exhibitor must depend on the magnificence of the production and on the intensive exploitation Universal is giving it to draw people to the box office. The music is all right in its way, but there are hardly any numbers the audience could remember well enough to hum after leaving the theatre. Doris Nolan and George Murphy do fairly good work, but it is Hugh Herbert who stands out the most: whenever he appears, he provokes laughter; his gestures and the manner in which he speaks his lines succeed in amusing one. Peggy Ryan, twelve years old, impresses one with her dancing

ability. The romance is developed in an ordinary way: Doris Nolan, an heiress who had returned from a trip to Russia with peculiar ideas about art, tries to convince others that art was what night clubs needed. And so she induces George Murphy, leader of the band that had been engaged by her uncles to play at the new club, which they were opening on the roof of their office building, to give her a part in the entertainment program. Since she bothered every one with her ideas about art, Gregory Ratoff, an agent, tells Murphy that the only way to get rid of her was to give her unpleasant work; she would be compelled to resign. But Murphy falls in love with her and tells her that her uncles threatened to cancel his contract if she appeared in this show. Being in love with Murphy she, unwilling to jeopardize his career, resigns. When she finds out what Murphy had at first intended to do with her, she decides to teach him a lesson. Her uncles turn over the management of the club to her; she decides to present a Russian artistic program for the opening night. The patrons are so bored with the entertainment that they start walking out. But Murphy, by gathering all his performers together, and starting to play jazz, revives the patrons' interest; they join in the merriment and the evening is considered a success. Miss Nolan tearfully acknowledges to Murphy that she had been wrong; she accepts his marriage proposal.

Lou Brock wrote the story, and Brown Holmes and

Charles Grayson, the screen play; Ralph Murphy directed it, and Lou Brock produced it. In the cast are Gertrude Niesen, Ella Logan, Henry Armetta, and others.

Morally suitable for all. Suitability, Class A.

### "We Have Our Moments" with James Dunn, Sally Eilers and Mischa Auer

(Universal, March 28; time, 64 min.) An enjoyable program comedy. Although the story is thin, it does not become boresome because the action is fast throughout. The melodramatic angle, dealing with the heroine's unwittingly becoming involved with international crooks, is treated in a light manner, in line with the general tone of the picture. Mischa Auer, as a French super-sleuth, provokes hearty laughter each time he appears; his blunders in trying to trace the criminals and his various disguises are extremely comical. One is held in suspense in the closing scenes, in spite of the fact that they consist mostly of slapstick comedy. The romance is pleasant:—

Miss Eilers, a teacher in a small country school, decides to have one grand fling before marrying her prosaic suitor. By withdrawing all her savings from the bank, she is able to buy good clothes and to book passage on a steamer to Europe. Aboard the ship she becomes friendly with aristocratic-looking Thurston Hall and his wife (Marjorie Gateson); she was unaware of the fact that they were crooks. David Niven, another crook, and James Dunn, a detective, vie with each other for Miss Eilers' favor. They all decide to go to Monte Carlo. Hall puts \$100,000 he had stolen from a bank in Miss Eilers' trunk, without telling her about it; his reason for this was to avoid questioning when his baggage would be inspected. Miss Eilers finds it and tells the crooks about it. They lead her to believe that Dunn is the crook. Eventually everything is cleared up; the crooks are caught and the money turned over to the police. Miss Eilers decides to give up her country suitor and marry Dunn, with whom she had fallen in love.

Charles Belden and Frederick Stephani wrote the story, and Bruce Manning and Charles Grayson, the screen play; Alfred Werker directed it, and Edmund Grainger produced it. In the cast are Warren Hymer, Grady Sutton.

Suitable for all. Class A.

### "Silent Barriers" with Richard Arlen

(Gaumont-British, April 1; 78 min.)

A good melodrama, suitable mostly for smaller situations. It deals with the construction of the Canadian Pacific

What "Iron Horse," produced by William Fox during the silent-picture days, was to the United States of America, "Silent Barriers" is to Canada. Only that in this instance the difficulties encountered come, instead of from the Indians, from nature itself, for when the railroad engineers. reach the Canadian Rockies they encounter quicksand and are unable to lay tracks on it. This threatened the abandonment of the project.

The greatest part of the excitement and of the thrills. occurs in the scenes where the engineers encounter the bog. There is grumbling on the part of the workers, who refuse to go on unless they are paid. But the iron-willed foreman

is able to induce them to continue.

One of the most exciting situations is where the hero. the foreman, and others ride fast to overtake a train in which the heroine and railroad officials were passengers, so as to stop it; a freight train ahead had sunk into the bog, and the passenger train would undoubtedly have met with the same fate unless it was stopped. In this part Richard Arlen does a Western act by transferring himself from his horse to the speeding train's engine and throttling the steam valve. The train stops at the very spot where the other train had sunk into the bog.

The situation where Richard Arlen, deserted by his comrade, is trapped by the snow and rock avalanche, set to sliding by the dynamite charge he himself had set, is

suspensive.

The part where J. Farrell MacDonald and Richard Arlen, accompanied by a crew, set out for the Rockies to discover a better place for laying their railroad tracks on holds one's interest pretty well. One by one the crew is shown deserting, and the two leaders are left alone to carry on. They are out of provisions and are tired, when they make one more effort and discover a suitable place for their purpose. This discovery comes in time, for the workers at the base had revolted and were burning the shacks and were threatening the life of the foreman. The sight of the smoke on the mountain, which was to be taken as a signal of their discovery of the pass, quells the revolt, turning it into rejoicing.

As to the story itself, there isn't very much to it; it just serves to bring about the regeneration of the hero and his

falling in love with the foreman's daughter.

Michael Barringer and Milton Rosmer wrote the screen play from a novel by Alan Sullivan. Milton Rosmer directed the picture. Some others in the cast are, Lili Palmer, Antoinette Cellier, Barry Mackay, Roy Emerton.
Because of the incident that shows one of the char-

acters "falling" for one of the saloon's habitues, it is hardly suitable for adolescents. Children under ten may not get the import of the doings. Adult picture. Class B.

### "Jim Hanvey—Detective" with Guy Kibbee and Tom Brown

(Republic, April 5; time, 68 min.)

Mildly amusing program fare. Supposedly a detectivemystery story, it is treated in a farcical vein and for that reason cannot be taken seriously. The plot is far-fetched and on occasions so silly that one loses patience with it. Guy Kibbee walks through the part of the country detective who outwits the crooks; at no time does he make it seem convincing. The puppy romance between Tom Brown and Lucie Kaye is of little help to the proceedings. Ed Brophy and Edward Gargan, as two dumb crooks, provoke what little comedy the picture offers:-

Kibbee is brought back from a hunting trip in order to solve the mysterious theft of an emerald necklace which belonged to Miss Kaye's mother, and which his company had insured. He finds out that Brown and Miss Kaye had themselves stolen the necklace in order to get publicity and thus help Brown attain fame as a newspaper reporter. Before they had time to put it back in the safe, the necklace is actually stolen. Kibbee's hunt for the thief leads him into some exciting encounters with crooks. Eventually he uncovers the identity of the thief. The necklace is restored, and Brown wins the consent of Miss Kaye's parents to his marriage to their daughter.

Octavus Roy Cohen wrote the story, and Joseph Krum-gold and Oliver Cooper, the screen play; Phil Rosen directed it, and Joseph Krumgold produced it. In the cast are Catharine Doucet, Helen Jerome Eddy, Theodore

Von Eltz, and others. Suitable for all. Suitability, Class A.

### "The Secret of Stamboul" with Valerie Hobson and Frank Vosper

(Du-World Pictures; running time, 79 min.)

A good program melodrama. At first the story is somewhat confusing; but once the plot entanglements are cleared up, the spectator's attention is held pretty well. There are several situations that hold one in tense suspense. The most thrilling scenes are those which take place in the palace, where the hero and the heroine had gone to rescue a British girl who was held by the Turkish leader as hostage. Exciting fist fights, cucounters between the hero and the villain, and daring rescues are combined to give the picture its exciting quality. This is a British-made feature, played by an all foreign cast who, with the exception of Miss Hobson, are not known here. However, the accents are no drawback in this case:—

James Mason, an Englishman, arrives at Stamboul, former capital of Turkey, to manage a tobacco depot. He notices queer things happening at the depot but cannot get any information from his secretive assistant. Accidentally he becomes acquainted with Valerie Hobson, a Russian woman of noble birth, who had been compelled to join a secret organization, which was headed by Frank Vosper, in order that she might remain in Turkey with her mother; Vosper had threatened to send them back to Russia and to sure death unless they obeyed his orders. Mason soon learns that the secret organization was planning to overthrow the present form of government and to restore the old order, with Cecil Ramage as Sultan. Vosper tries to kill Mason by throwing him down into the sea through a sccret pit; but Miss Hobson, who knew of Vosper's plan, saves him from drowning. Mason and Miss Hobson, when they learn that Ramage had kidnaped Kay Walsh, an English girl whose father owned the tobacco depot, rush to the palace; they find it filled with soldiers who were preparing for the revolt. The timely arrival of the Military Governor with soldiers, who had been brought to the palace by a friend of Mason's, saves the lives of Mason and of the two women. Ramage is arrested. Vosper is killed while trying to escape. Mason and Miss Hobson plan to marry.

Dennis Wheatley and George A. Hill wrote the story, and R. B. Wainwright, the screen play; Andrew Marton directed it, and Richard Wainwright produced it. In the cast are Peter Haddon, Robert English, and others.

Suitable for all. Suitability, Class A.

### "Too Many Wives" with Anne Shirley (RKO, April 9; time, 60 min.)

Mediocre program fare. It is a weak box office attraction; in addition to the fact that it lacks star names, the story is uninteresting. The story material, which is inane, is suitable more for a two-reel comedy than for a feature picture; it lags considerably in spots. Nor do the romantic mixups, which involve Annc Shirley and John Morley, provide any amusement, for what happens is too silly to be taken seriously. The chase in the closing scenes was probably meant to hold one in suspense; but it fails to do so because of the obviousness of the outcome. Pictures of

this type will not help Miss Shirley to become popular.

In the development of the plot, Miss Shirley becomes acquainted with Morley; they fall in love. His ambition was to become a newspaper reporter; but, not being able to obtain that kind of work, he accepts a job on a newspaper as the one to be blamed for all mistakes. In that way, the editor, by referring all complaints to Morley, is able to get rid of objectionable advertisers. The editor conceives the idea of pretending that Morley was married and the father of a child, so that he could appeal to irate customers in case they wanted Morley discharged. Miss Shirley and her father (Gene Lockhart) call on the editor to complain about an item that had appeared in the newspaper; she is surprised to find Morley there. When she hears that he had a wife and child she leaves and refuses to talk to him when he calls. He finally explains things to her and they are reconciled. But an irate suitor, wanting to get rid of Morley, agrees to pay Barbara Pepper one thousand dollars to pose as Morley's wife. This starts trouble again; Miss Shirley elopes with the scheming suitor. Morley rushes after her and arrives in time to prevent the marriage and to expose the suitor. Miss Shirley and Morley marry.

Richard English wrote the story, and Dorothy Yost, Lois Eby and John Grey, the screen play; Ben Holmes directed it, and William Sistrom produced it. In the cast are Dudley Clements, Grady Sutton, and others.

Morally suitable for all. Class A.

### "That Man's Here Again" with Hugh Herbert, Tom Brown and Mary Maguire

(First National, April 17; time, 58 min.)

A moderately entertaining comedy-melodrama of program grade. It was made once before, in 1929, under the title "Young Nowheres"; a few changes have been made in this version, mainly in the addition of comedy which is handled by Hugh Herbert. Each time the story gets "heavy," Hugh Herbert appears on the scene and provokes laughs by his antics. One is in sympathy with the hero and the heroine in their efforts to make something of themselves. But it is really to Herbert's credit that one's attention is held at all, for the action in itself is not interesting enough to keep one entertained:—

Tom Brown, elevator boy at a swanky apartment house, finds Mary Maguire hiding in the basement; she, being homeless and without funds, had sneaked in so as to keep out of the rain. Brown induces the superintendent to give Miss Maguire a position as chambermaid. While cleaning Herbert's apartment she breaks a vase. Believing that it was worth \$10,000, as Herbert had told her, she is so frightened that she runs away. Brown tries to find her and in his search he discovers that she had a baby. He finally learns that she had been confined to a city hospital with a bad case of pneumonia. Herbert becomes interested in the young couple and invites them to his home. But when they arrive they find him dispossessed for non-payment of the rent. Herbert suggests that they use the apartment of Joseph King, who lived next door, and who was away on a trip. King returns unexpectedly and wants to arrest them; but Herbert advises him not to because of the publicity and of the fact that his (King's) wife would learn that he had the apartment. King, in a fit of temper, breaks the cheap duplicate of the expensive vase Miss Maguire had broken. Herbert pretends that it was the expensive one King had broken and makes him pay a large sum of money for it; he decides to use the money to set Brown up in business so that the young man might be enabled to marry Miss Maguire.

Ida Wylie wrote the story, and Lillie Hayward, the screen play; Louis King directed it. Teddy Hart and others are in the cast.

Suitable for all. Class A.

### "Midnight Taxi" with Brian Donlevy and Frances Drake

(20th Century-Fox, April 2; time, 73 min.)

Despite the familiarity of the plot, it is a good program melodrama. The story has been used many times; but because of fast action and suspensive situations one's attention is held well throughout. It is the familiar G-men vs. gangsters plot, in which the hero (Brian Donlevy) joins the gangsters in order to round up the gang. This time the hero poses as a taxi driver; he knew that Harold Huber, another driver, was in some way connected with a gang of clever counterfeiters and, by playing up to Huber, he convinces him of his reliability. He is thus introduced to Allan Dinehart, distribution leader of the counterfeit money. Donlevy learns that Dinehart's antique shop was just a "front," and that Frances Drake, who ran the shop, was a member of his gang and knew of Dinehart's activities. Donlevy is ordered by Dinehart to accompany Gilbert Roland and to meet an incoming boat carrying more counterfeit money. The police, tipped off by Donlevy cleverly, arrive at the dock just as the money was handed over. Donlevy is accidentally shot as he escapes with Miss Drake, who was acting as lookout. Miss Drake takes him to the first house she could reach and calls Dinehart to send a doctor. Roland, who had accompanied the doctor to the farm, takes Donlevy's suit to be cleaned. He finds a wallet in the pocket, which contained evidence showing that Donlevy was a G-man; he tells Miss Drake of his findings. Although she is disgusted at Donlevy for having acted as a stool pigeon, her love for him compels her to warn him of Roland's intention to kill him. Donlevy kills Roland instead, and eventually rounds up the gang. He obtains a pardon for Miss Drake, who had promised to marry him and to go straight.

Borden Chase wrote the story, and Lou Breslow and John Patrick, the screen play; Eugene Forde directed it, and Milton H. Feld produced it. In the cast are Sig Rumann, Paul Stanton, and others.

The gangster activities make it unsuitable for children. Good for adults, Class B.

tions, it cannot take the position that it [Columbia] is not stating facts, despite this paper's belief that Columbia has been as guilty on this score as has any other company." The charge of the Philadelphia organization against Columbia proves correct this paper's belief that Columbia was not stating the facts correctly on that point.

The resolution of the Board of Managers of the Philadelphia organization should be given careful consideration by every exhibitor.

### PICTURES 20th CENTURY-FOX WILL WITHHOLD FROM THE 1936-37 SEASON

An exhibitor has written to me as follows:

"I have been informed by Fox that they are going to release only three Temples during the 1936-37 season and will designate 'Slave Ship' as an additional percentage picture.

"Isn't it true that they sold the product with the understanding that they would have four Temples?

"I contend that I should have to play on percentage only eleven instead of 12. Have I a leg to stand on? Your advice will be greatly appreciated."

I asked an exhibitor who keeps thoroughly informed in such matters to enlighten me on the questions discussed by the exhibitor whose letter I am reproducing in this column and was told that three is the number of Temple pictures that Twentieth Century-Fox will deliver, and that "Slave Ship" is not a percentage picture in his territory. As to the question whether salesmen promised four Temples or not, he said:

"Who can tell what the 20th Century-Fox executives promised just so long as the gullible exhibitors permit them to designate and change, as they see fit, with clauses on the work sheets saying in effect: 'Here it is, if we want to give it to you; and we don't'?"

Since the Twentieth Century-Fox contract does not contain any titles, or even the star pictures it has in mind to deliver, the exhibitor is helpless; Fox can deliver any pictures it wants to deliver, and the exhibitor must accept them, or do without Fox pictures.

What surprises me is the fact that there are independent exhibitors who are only lukewarm towards correcting the industry evils by legislation! These are not many, it is true; but it is surprising, just the same, no matter how small their number.

Last week, Mr. Hays, in speaking to the members of his organization at their fifteenth annual meeting, condemned those exhibitors who are seeking to correct the industry abuses by legislation instead of by cooperation. The exhibitors tried the cooperation method for several years, but it failed, because his members refused to grant any concessions whatever. Need we remind him that the arbitration system, which he offered on behalf of the members of his association, was accepted by the exhibitors in good faith? By so doing they showed a spirit of cooperation. And need we remind him how this system was perverted by them, so that it might serve their interests? Even orders were issued by some of his subordinates as to how it should be applied. The mechanics of the system was in their control at all times. The fact that the courts of the land declared it illegal is the best proof of the fact that those he represents did not meet the exhibitors even part way.

One cannot point to one instance where the producers showed a spirit of cooperation. They have always tried to take advantage of the independent exhibitors. They have gone under the theory that they own the product and will tolerate no questioning as to how and to whom they should sell it. It is just this spirit, with which the dominating classes were imbued, that brought the "New Deal" into being; and unless the producers alter their views and adopt the modern way of thinking, we shall still see a New Deal in this industry as well.

That the major producers have learned nothing may be evidenced by the fact that they have not cooperated even with their own straw man, who heads their "Company Union."

The industry abuses can be corrected only by legislation, and the exhibitors should make up their minds to stand by it or fall with it.

### ONE OF THE RANKEST PRODUCER ABUSES

In the first rank of producer abuses against the independent exhibitors is the weekly payment plan of shorts. No matter how poor the quality of the shorts released by a distributor, no matter how unsuitable for the exhibitor's requirements, the exhibitor must pay for them, not as he uses them, but on a basis of a given sum each week.

United Motion Picture Theatre Owners of the Philadelphia zone has taken a stand against this distributor policy. At a meeting of the organization's Board of Managers, held on April 2, the weekly payment plan was condemned along with other distributor abuses. The following is the full statement that has been issued:

- "I. Re-statement of the opposition of the organization to the weekly payment plan and call on all members to sign a pledge that they will not sign any film contracts which provide for weekly payments on shorts.
- "2. The organization went on record as re-stating its very definite position against non-theatricals, particularly Columbia, for having developed a non-theatrical situation in Bridgeport, Pa., by creating a non-theatrical against the established independent exhibitor because said exhibitor would not buy Columbia '36-37.
- "3. The organization adopted the slogans 'DON'T HURRY TO BUY'—'DON'T SIGN ANY FILM CONTRACTS FOR NEW SEASON PRODUCT AT THIS EARLY DATE.'

"Members are to be called upon to delay entering into any film contracts for the forthcoming season at this early date, and they will be called upon to delay the buying of said pictures until further advised by the organization.

"4. The organization went on record as being against all drives regardless of the film company inaugurating same. Exhibitors will be called upon not to participate in such drives whether they be in support of any individual in a film company, whether they be in the nature of giving early dates, or whether they be in the nature of increasing the number of pictures already bought.

"The organization is unalterably opposed to these drives as they are not to the best interest of the exhibitors or healthy to the industry, and they injure the exhibitors in setting up their bookings, etc."

## HARRISON'S REPORTS

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### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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### FREE MEN OR SERFS?

The lot of the present-day exhibitor is no different than was the lot of the heilot, or serf, in ancient Greece, or of the negro slave of the South, in comparatively recent times; the exhibitor today is bound to the producer-distributor just as were bound the heilots to the Greeks, or the negro slaves to the whites of the South.

In the beginning of the season, the producer presents the exhibitor with an application for a contract containing thirty, forty, or fifty numbers, as the case may be, divided into three or four groups, and tells him: "These numbers represent the pictures we may deliver to you. We don't guarantee delivery of them; but, if we should happen to deliver them to you, you shall agrec to give us, for Group A, a minimum guarantee of so-much, and 35% of the gross receipts; for Group B, so much as a minimum guarantee and 30% of the gross receipts; and for Group C, so much flat rental. But if one of the Group C pictures should turn out excellent and one of the A fair, we retain the right to put the C picture in the place of the A picture, on the prices and terms of the A picture. The fact that your investment is worth tens and even hundreds of thousands of dollars makes no difference to us; we must have these terms."

Can you see any difference between the lot of the exhibitors and that of the serfs. In each case the serf worked for the master; and the producer seems to be the exhibitor's master.

Commenting on this situation, Mr. Jay Emanuel, editor of *The Exhibitor*, said the following in his April 10 issue under the heading, "The Newest Racket":

"Interchanging allocations is bad enough, but the latest development in the game of 'whose number is whose' breaks all records.

"Some exhibitors, during the past few months, have noticed the tendency of some exchanges toward late allocation. By this is meant that exhibitors date in pictures without knowing what they cost, play them, then hold up payment until the exchange decides in what particular bracket the feature belongs.

"It is bad enough to buy numbers without knowing what the numbers stand for. It is still worse to have the exchanges switch designations when certain hit shows turn sour and others look like they will bring the cream. But the idea of waiting until a picture plays around before telling the exhibitor how much it will cost is a development that must have kept its thinker-upper sleepless for many nights before he perfected it.

"The pity of it, too, is that this is probably just the beginning. There is no telling what the distributors will think up next.

"No wonder that exhibitors are turning toward the Pettengill Bill as a measure of defense. Ordinarily, one might say that the industry should not desire outside regulation but the racket mentioned above is likely to turn even the most conservative exhibitor into a firebrand.

"Under the Pettengill Bill, for example, this interchanging of allocations would not be possible because the exhibitor would know definitely what the picture would be before he bought it.

"Some might say that the distributor would get a higher percentage for his hit shows under the anti-block booking measure. But the answer to that is that the exhibitor can hardly pay any more than he is now. Exchangemen, before their conventions, assert that they know they will be asked to get more money than last year. Could the percentage,

under anti-block booking conditions, go any higher, when some exchanges now demand 40 and 50%?

"Most important and fair-minded exhibitors are opposed to government intervention and the Pettengill Bill, but unless the distributors come to their senses and stop this mad dash toward outrageous trade practices, it appears as if they will be compelled to join the procession for federal regulation as a last resort."

HARRISON'S REPORTS may say to Mr. Emanuel that the distributors will not come to their senses so as to put a stop to these outrageous trade practices. Only a law will do that. And the Pettengill Bill is that law.

## OTHER PICTURES THAT WILL BE WITHDRAWN BY PARAMOUNT

In last week's issue your attention was called to the fact that Paramount has announced that it will sell in the 1937-38 season two pictures that it sold to the Paramount accounts in the 1936-37 season. I have now been informed that the Harold Lloyd picture, too, may be withheld from this season and sold in the 1937-38 season.

Paramount also promised for the Third and Fourth Quarters of the 1936-37 season 2 pictures with Marlene Dietrich, one to be directed by Ernst Lubitsch and the other by Frank Lloyd; 1 more (2 in all) with Claudette Colbert; "The Diamond Rush," to feature either Gary Cooper or Fred MacMurray; the operetta "Count of Luxembourg," with Irene Dunne, John Boles and W. C. Fields; 1 with Edward Arnold; 1 with Gary Cooper; "That's What Girls Are Made Of," with Sylvia Sidney and Fred MacMurray; and "Easy Living," with Jean Arthur.

How many of these will be delivered before the season ends? The supposition is that "Count of Luxembourg," the two Dietrichs, and the one Gary Cooper will not be delivered. And yet you, if you are a Paramount account, no doubt bought this company's program with the belief that it would keep its promises. But what are the facts? In addition to "High, Wide and Handsome," with Irene Dunne, and of "Souls at Sea," with Gary Cooper, which have, as said, already been announced for the 1937-38 season, and of the Harold Lloyd, which will, according to my information, be withheld, Paramount is announcing in the advance booklet, which was distributed at the M.P.T.O.A. convention in Miami, that "Angel," the first Marlene Dietrich picture that will be produced since the beginning of the 1936-37 season, will be sold in the 1937-38 season. Since the picture will be directed by Ernst Lubitsch, is there any doubt that it is the picture they sold in the 1936-37 season?

Another picture that is being announced for the 1937-38 season is "What Ho!" with Gary Cooper. Why should Paramount place this picture in the 1937-38 season when it has failed to deliver to the 1936-37 accounts the Gary Cooper picture it owes them? It is the last picture it will be able to produce with Mr. Cooper, because he is now with Sam Goldwyn.

And yet Mr. Zukor, in his speech at the M.P.T.O.A. convention at Miami, asked the exhibitors to pay more money for Paramount pictures so that Paramount may be enabled to produce better pictures! Is there any justice in the conduct of Paramount?

If you have bought the 1936-37 scason's Paramount product, I suggest that you write to the Paramount Home Office, 1501 Broadway, New York, as well as to the exchange from which you are served, demanding the delivery of the following pictures:

"Elephant Boy" with a native and English cast

(United Artists, April 23; time, 81 min.) This is an unusual and engrossing India jungle picture; it should appeal particularly to men. For one thing, it is realistic; for another, it is human. And the action is interesting. The leading part is played by Sabu, a native Hindu boy, whose appealing personality wins the spectator's sympathy from the moment he appears.

Except for the English accents of some of the players, who enact the parts of natives, there is an air of

realism about the whole picture.

What is of great interest is the attachment shown between the mahouts (elephant drivers) and their elephants, particularly in the case of Sabu and his ele-phant, Kala Nag: The intelligence of this animal, who responds to the small boy's proddings, is remarkable. One of the most exciting scenes is that in which Kala Nag, who had gone wild with grief when his master (Sabu's father) had been killed by a tiger, starts to stampede, endangering the lives of the men in the camp; he is shown stopped by the gentle words of Sabu, who stands directly in front of him, unafraid. This scene is touching.

There is excitement in the closing scenes, too, where Sabu accidentally comes upon a herd of wild elephants which were sought by the hunters, and leads the hunters to them. The hunters, after leading the elephants into the stockade, initiate Sabu into their circle as a hunter.

The photography in the outdoor shots is very good. The plot was adapted from the story "Toomai of the Elephants," by Rudyard Kipling. John Collier wrote the screen play, Robert Flaherty and Zoltan Korda directed it, and Alexander Korda produced it.

Excellent for children as well as adults. Class A.

"Marked Woman" with Bette Davis and Humphrey Bogart

(First National, April 10; time, 951/2 min.) This melodrama, centering around the activities of a vice ring, is powerful and gripping; but because it has been based on an unpleasant theme it is hardly suitable for general distribution. If anything, it is a men's picture, for it is doubtful if women could stand some of the brutal acts of the unsavory characters, particularly the way they treat women. In one situation, two gangsters are ordered to beat up Bette Davis so as to discourage her from testifying against the vice leader; although one does not see the beating, one hears the pounding and Miss Davis' screams. The plot has presumably been based on the recent sensational disclosures of the workings of the Luciano gang, who kept the girls working for them in virtual slavery. All this is pictured without the benefit of comedy or romance. No fault can be found with the realistic plot construction, the direction, or the acting; it is simply that the picture might prove too shocking, even a bit sickening, to many persons. Properly exploited, it will probably do good business; but exhibitors should permit only adults into the theatre if they should show it.

In the development of the plot, Eduardo Ciannelli, vice

lord, takes over many night clubs and turns them into "clip joints." Working at one of these clubs are five girls—Miss Davis, Lola Lane, Isabel Jewell, Rosalind Marquis, and Mayo Methot, who room together. They come to realize that working for Ciannelli is virtual slavery. When Miss Davis is arrested as a material witness in the murder of a patron who had escorted her to the gambling club, she promises to testify against Ciannelli; but the gang compel her to double-cross Humphrey Bogart, the district attorney. Thus Ciannelli and his henchmen are freed. But things change when her young innocent sister (Jane Bryan) is killed by Ciannelli because she had refused to be intimate with a man he had selected for her. Miss Davis is determined to tell everything she knew. Ciannelli's henchmen give her a terrific beating as a warning not to talk. Bogart promises to give her protection after that. Appealing to her friends and co-workers, she induces them, too, to testify. Their testimony brings about the conviction of Ciannelli and of his gangsters. The five girls leave the court, not knowing what the future would hold in store for them; they knew that, with their backgrounds, they could not expect the decent things in life.

Robert Rosson and Abem Finkel wrote the original screen play; Lloyd Bacon directed it, and Lou Edelman produced it. In the cast are Allen Jenkins, John Litel, Ben Welden, and others

Unsuitable for children or adolescents. Strictly adult entertainment. Class B.

"Racketeers In Exile" with George Bancroft and Evelyn Venable

(Columbia, March 30; time, 57 min.) A mildly entertaining program melodrama. One of the drawbacks is the fact that the hero, up until the closing scenes, is depicted as an unscrupulous character, one who uses religion as a means of carrying on his racketeering practices. His regeneration in the end is hardly believable, although it does serve as a means of lessening one's antagonism towards him. The one exciting situation is that which shows the hero determined to expose the villain by means of the radio, despite threats of death. The routine love affair is mildly pleasant:—

George Bancroft, racketeer leader, accompanied by his moll (Wynne Gibson) and his three henchmen, hides out in his small home town in order to avoid questioning by federal men. The townspeople, believing Bancroft to be a successful business man, give him a warm welcome. While at a church function, Bancroft is called on to make a speech; he finds that he had a persuasive delivery and could make the crowd do what he wanted. This gives him an idea—he decides to become an evangelist, make collections ostensibly for charity, but really for himself. Evelyn Venable, his childhood sweetheart, thinking him sincere, joins him as organist. By using the radio to black-mail "shady" business men, he makes big profits. When Miss Venable meets with an accident, Bancroft prays all night for her recovery. She does recover and, feeling that his prayers had been answered, he takes preaching seriously. He decides to expose a racketeer who had been posing as an honest citizen; he is shot just as he mentions the man's name over the radio. But he recovers, and looks forward to a happy and honest life, with Miss Venable as his wife.

Harry Sauber wrote the story, and Harry Sauber and Robert Shannon, the screen play; Erle C. Kenton directed it. In the cast are Marc Lawrence, John Gallaudet, George

McKay, and others.

Not suitable for children. Adult entertainment. Class B.

### "Fifty Roads to Town" with Don Ameche and Ann Sothern

(20th Century-Fox, April 16; time, 81 min. A fair program comedy, patterned after "It Happened One Night." Light in story values, it nevertheless has romantic appeal which, together with the comedy sequences, should amuse the masses fairly well. Too much time, however, is wasted until it gets into the story. The first fifteen minutes are taken up with a series of automobile chases that are somewhat tire-some. One situation is extremely suggestive; it shows the hero and the heroine, left alone in a cabin in the woods, confessing their love for each other; the sex implications are very evident both in the dialogue and the actions of the characters. Some of the comedy is provoked by the antics of country characters. The story lacks human appeal; the characters do nothing to awaken

one's sympathy. In the development of the plot, Miss Sothern, who was running away from an undesirable marriage, dressed only in a nightgown with a fur coat over it, and Ameche, who was leaving town in a hurry in order to avoid being served with a subpoena in a divorce action in which an irate husband had named him as corespondent, seek shelter in a cabin in the woods. She mistakes him for a gangster and lives in fear that he might shoot her. Both find it difficult to get food and are annoyed by the intrusion of Slim Summerville, who had noticed the smoke, coming from the chimney and had investigated; when there, Ameche refuses to let him go lest he give him away. While Ameche is under the shower, Miss Sothern urges Summerville to go for help. In the meantime, a dangerous criminal (Douglas Fowley) enters the scene; he takes Ameche's car, leaving him completely stranded. Ameche tells Miss Sothern who he really was; they confess their love for each other. Summerville finally arrives with the village constable; they arrest Ameche, mistaking him for Fowley. But everything is cleared up when Fowley is found. Ameche is overjoyed to hear that the divorce action had been dropped; and Miss Sothern is glad to know that her marriage was being annulled. This leaves the way clear for them to marry.

The plot was adapted from the story by Louis F. Nebel. William Conselman and George Marion, Jr., wrote the screen play; Norman Taurog directed it, and Raymond Griffith produced it.

The sex implications make it unsuitable for either children or adolescents. Adult entertainment. Class B.

### "Internes Can't Take Money" with Joel McCrea and Barbara Stanwyck

(Paramount, April 9; time, 80 min.)

This is a good melodrama, with human appeal. It is pretty sombre in its tone, with no comic relief, and the action at times is slow; yet it holds one's attention to the very end. The title may mislead picture-goers into thinking that it is another hospital story, but it is not; the story begins in a hospital but develops away from the place. One is in deep sympathy with the heroine, whose frantic efforts to find her baby lead her into doing things that were contrary to her character. The romance is somewhat unusual it is developed without flippancy, but with a warmth and understanding that appeals to picture-goers. Excitement prevails when the hero becomes involved with gangsters, who, in the end, turn out to be his friends:-

Joel McCrea, an interne at a hospital, treats Barbara Stanwyck for a burn on her arm. He is strangely attracted to her and looks forward to her return visit the following day. While in a saloon opposite the hospital drinking beer with a friend, McCrea is surprised to find her there, deep in conversation with Stanley Ridges, a notorious character; he did not know that she was pleading with Ridges to give her information as to the whereabouts of her baby, which had been taken from her when she was sent to prison for a crime she had not committed. She did not know that her husband had been a bank robber; so that when he had returned to their home wounded, she had taken care of him. He died and she was arrested as his accomplice. Ridges offers to find her baby for \$1,000, or an affair with her as an alternative. When Lloyd Nolan, racketeer leader, enters the saloon dying from a stab wound, McCrea operates on him, saving his life. Later Nolan's agent gives McCrea an envelope containing \$1,000. He tells Miss Stanwyck about the money when he goes to visit her; she, being desperate, tries to steal it. Disgusted he takes it from her and leaves; he goes back to the saloon and returns the money, telling Nolan that internes cannot take money. Because of this Nolan becomes McCrea's friend. Eventually McCrea finds out what was troubling Miss Stanwyck. She writes him a note explaining everything, and telling him she was leaving with Ridges, who had insisted she become intimate with him in return for the information. With the help of Nolan and his men, McCrea stops Miss Stanwyck from going and forces the information from Ridges. Miss Stanwyck finds her baby in an orphan asylum. The future with her child and McCrea looks good to her.

Max Brand wrote the story, and Rian James and Theodore Reeves, the screen play; Alfred Santell directed it, and Benjamin Glazer produced it. In the cast are Lee Bowman, Pierre Watkin, and others.

Not for children. Adult entertainment. Class B.

### "Let Them Live" with John Howard, Nan Grey and Judith Barrett

(Universal, April 11; time, 73 min.)

Moderately engrossing program fare. The beginning is pretty interesting, but it gradually peters out and ends in a somewhat unconvincing fashion. The story deals with the efforts of a young idealistic doctor (John Howard) to compel corrupt politicians to help the poor by cleaning up slums and giving them proper hospitalization when they are ill. This leads him into compromising positions because he goes up against a ruthless political leader (Edward Ellis). One is in sympathy with Howard throughout, particularly when he walks into the trap set for him by Ellis. Howard unwittingly accepts a check as a donation for hospital supplies only to find out that Ellis had called it blackmail money. He is arrested and put in jail. It is only when Ellis is touched personally by what Howard had been preaching that he understands: a young boy, whom Ellis had adopted, is taken seriously ill and his life could be saved only by putting him in an oxygen tent, and giving him expert medical attention. When Ellis appeals to Howard for his help, Howard tells him that the child would die just as other children of the poor had died because of lack of treatment. By pretending that he refused to take care of the boy, Howard makes Ellis melt and give a promise that he would demolish the unsanitary slum districts and give good supplies for hospitals. After getting the promise, he works on the child all night and saves his life.

The love interest is of slight importance to the plot. Howard had at first been influenced by Judith Barrett, Ellis' niece, not to be too exacting in his demands.

But, urged on by Nan Grey, who better understood the plight of the poor, he forges ahead. In the end he asks Miss Grey to marry him.

Richard Wormser wrote the story, and Bruce Manning and Lionel Hauser, the screen play; Harold Young directed it, and Edmund Grainger produced it. In the cast are Robert Wilcox, Henry Kolker, Robert Warwick.
Morally suitable for all. Suitability, Class A.

### "I Promise to Pay" with Chester Morris, Leo Carrillo and Helen Mack

(Columbia, April 21; time, 67 min.)

This program melodrama has human appeal and holds one's attention to the end. Revolving around the loan-shark racket, it presents in a vivid manner the cruelty and heartlessness of those running the racket and how it affects the lives of the hero and the heroine. One is in deep sympathy with the young couple, whose troubles will be understood by the masses. Since the hero is presented as an upright character, one is all the more touched by his sufferings. It may not be very cheerful entertainment, but it is realistic and fairly exciting in spots. The romantic appeal is subdued:

Chester Morris, a young clerk, feels that his wife (Helen Mack) and two children were entitled to a two weeks vacation in the country. Not being able to pay for it from his meagre salary, he borrows \$50 from an agent of a loan-shark company. He becomes frantic when he learns that the interest alone was \$10 a week. He pleads with the loan people to make the terms easier, but they refuse and when he fails to pay up they take his salary out of his hands. In desperation, he steals some money from his firm's petty cash box, but, being essentially honest, he confesses to the office manager. For this, he is discharged. In order to escape the loan company agents, he seeks employment elsewhere, but they find out where he was and beat him up. He decides to tell all to the District Attorney. The racketeers shoot him just as he is entering the court house; but he recovers and inspires other frightened victims to testify likewise. The racketeers are arrested and the vicious ring broken up. Morris is given a position in the District Attorney's office.

Mary C. McCall and Lionel Houser wrote the original screen play; D. Ross Lederman directed it, and Myles Connolly produced it. In the cast are Thomas Mitchell,

Thurston Hall, John Gallaudet, and others.

The activities of the racketeers make it unsuitable for children. Good for adults. Class B.

### "Song of the City" with Margaret Lindsay and Jeffrey Dean

(MGM, April 2; time, 68 min.)

A typical program offering, with a familiar plot. It has been produced well, with good performances by the entire cast; but it lacks excitement. The most interesting part is the colorful background of San Francisco's fishing banks; they show actual shots of the fishermen leaving on their daily trips and returning. The fire scenes aboard an ocean liner border on silliness; so far-fetched are they. The musical interpolations are pleasant. Comedy is pro-

voked by the antics of the Italian characters:-

Jeffrey Dean, who had lost all his money in a business venture, decides to marry wealthy Marla Shelton. While in a drunken condition, he boards a ferry to go to meet her. He tries to do a trick, falls overboard, and is fished out by Charles Judels and his son (Nat Pendleton), Italian fishermen, who take him to their home. Dean gets an entirely new slant on life by joining the men in their fishing business and working hard. He falls in love with the daughter (Margaret Lindsay), who loves him, too. She decides to refuse the offer of J. Carrol Naish, a wealthy Italian business man who loved her, to finance her musical studies in Italy, in order to remain with Dean. But Dean, feeling that he was ruining her career, leaves and goes back to Miss Shelton. The night Miss Lindsay is leaving for Italy with Naish, Dean sets sail with Miss Shelton in her private yacht. There is a radio flash about a fire aboard the liner and Dean races towards the ship. By heroic efforts he boards the liner, and saves the lives of Miss Lindsay, Naish, and other passengers. Both Naish and Miss Shelton, realizing it is wrong to stand in the way of love, give up their respective claims, leaving the way clear for the lovers to marry.

Michael Fessier wrote the original screen play; Errol Taggart directed it, and Lucien Hubbard and Michael Fessier produced it. In the cast are Stanley Morner, Inez

Palange, and others.

Morally suitable for all. Suitability, Class A.

"Souls at Sea," with Gary Cooper and George Raft,

"High, Wide and Handsome," with Irene Dunne,

"Angel," with Marlene Dietrich, Ernst Lubitsch directing,

"What Ho!" with Gary Cooper, and

"Artists and Models," with Jack Benny (which the work sheet announced as a January release). They are your pictures.

## THE ALLIED PETITION TO H.C. ON THE JUDICIARY A MASTERPIECE

The Allied States petition for relief from the monopoly in the picture industry, submitted to the Committee on the Judiciary of the House of Representatives, is a masterpiece from the point of view of presenting facts. Every exhibitor should have a copy in his possession, for he can use the facts given in it to induce prominent citizens in his community to support, not only the Neely-Pettengill Bill, but also any Theatre Divorce Bill that has been or may be introduced in the legislature of his state. No exhibitor could present the facts more eloquently than they are presented in this pamphlet. It is these facts that induced Congressman Hobbs to espouse the exhibitor cause, introducing in the House of Representatives his famous resolution (H. Res. 160) for the investigation of the motion picture industry by the Committee on the Judiciary of the House of Representatives.

In the introduction, the Allied States petition, after the first paragraph, states:

"This petition is addressed to your Honorable Committee as a last resort since innumerable appeals for relief sent from all parts of the country to other departments and agencies of the Government have been unavailing and the problems presented by and the burden of grappling with the highly organized motion picture trust transcend the powers and resources of the independent interests now threatened with extinction by it.

"As shown by Attachment A, the Department of Justice during the last 25 years has instituted 17 prosecutions against the motion picture industry under the antitrust laws. Of the nine cases listed as won, only three were contested, five terminated in ineffective consent decrees and one was dismissed in consideration of concessions made by the defendants to the victims. The significant thing is that despite the Department's apparent timidity in dealing with this trust, it has never failed in any case decided by a judge. Only one of these cases, that brought against the Motion Picture Patents Company in 1912, was of any significance. The others dealt with minor or purely local manifestations of the monopoly. Despite all this apparent activity the trust marches on.

"The imperative need is for comprehensive and fearless action which will challenge the motion picture trust in all its ramifications..."

The introduction then goes on to explain the composition of this trust, and concludes with the following:

"Experience proves that the motion picture trust can not be destroyed or its monopolistic powers curbed by prosecutions which are limited or isolated transactions occurring in particular localities. Neither can effective results be obtained by apologetic prosecutors through proceedings officially characterized as 'friendly.' In view of the motion picture trust's record of law violations as attested by the number of proceedings instituted, the time has come for the Government to cease treating the symptoms and to operate on the cancer. The action we envision would take into account the hereinafter mentioned mergers, underlying financial control, interlocking personnel, cooperation through the Hays Association, curtailment of product, propaganda, lobbying activities, forging and operation of chains of theatres and the infinite variety of unfair and oppressive trade practices directed against independent interests."

The first part of the Resolution that was introduced by Congressman Hobbs reads as follows:

"Whereas it has been alleged that the business of producing, distributing, and exhibiting motion pictures is carried on by various corporations and individuals in violation of the antitrust laws: Now, therefore, be it

"Resolved, that the Committee on the Judiciary be, and is hereby, empowered and directed forthwith to make a sweeping and thorough investigation of the organization, financing, and practices of the motion-picture industry in

the United States, and particularly to investigate and report on the following:

"1. The organization, functions, and financing of the Motion Picture Producers and Distributors of America, Incorporated; the purposes and accomplishments of said organization; and the extent to which the members thereof have cooperated through said agency to suppress competition and restrain trade.

"2. The activities of the members of said Motion Picture Producers and Distributors of America, Incorporated, to monopolize or control said industry by such devices as uniform exhibition contracts, withholding of product from independent theatres, allocation of product to controlled theatres, unfair and unreasonable zoning and protection, compulsory block booking, and blind selling, forcing out of business and acquisition of independent theatres, and other unfair practices.

"3. The efforts of the theatre-owning producers to regulate the admission prices of independent theatres by limitations in exhibition contracts and by withholding films for unreasonable periods from low-admission houses.

"4. The relations—corporate, contractual, and otherwise—between the producers and distributors of motion pictures, on the one hand, and the manufacturers of electrical equipment for reproducing sound in theatres, the principal music-publishing houses, and the manufacturers of so-called screen trailers, on the other hand, and the effect of such relations on the independent theatre owners and the public.

"5. The effect on the independent theatre owners and on the public of percentage playing, compulsory designation of play dates and other terms and conditions imposed by the producer-distributors on the independent theatre owners; also the special favors granted to the producer-distributors' owned, controlled, and affiliated theatres and discriminations practiced against independent theatres in the matter of such terms and conditions:..."

Call on or communicate with the member of the House of Representatives from your district, urging him to vote for House Resolution 160.

## AN EXHIBITOR'S NON-THEATRICAL COMPETITION PROBLEM

An exhibitor has written me as follows:

"Dear Mr. Harrison:

"I have as a competitor a theatre conducted in the U. S. Army Camp nearby.

"Their clientele is not restricted to Army personnel; outsiders, too, are admitted. And they are extremely lax when it comes to their enforcing the proper admission prices: though they are supposed to charge a higher admission price for these outsiders, most of the times they admit them at the admisson prices they charge the Army men.

"What makes the competition unbearable is the fact that, having unlimited spot-booking privileges, they show the best pictures each company offers whereas I have to show everything a distributor offers.

"Since the Army theatre has no overhead expense, you realize, I am sure, what I am up against. It is a case where tax-payers' money is used to compete with a tax payer. But I cannot complain, because I am a member of this Army Post myself.

"No doubt there are other exhibitors who are situated similarly and I thought of writing you to get your opinion whether there is any remedy. Perhaps some other exhibitor can suggest something. Will you ask them through your columns?"

It seems to me as if the distributors themselves should try to equalize the situation. And the officers in charge of theatres in Army Posts should exclude outsiders, except immediate relatives of soldiers; and these, not too frequently. After all, the Government is supposed to protect its taxpayers from unfair competition; and the Army is part of the Government.

This paper likes to have some other opinions on this question. Let us hear from you.

#### REMOVAL NOTICE

Beginning April 26, the home of Harrison's Reports will be at 1270 Sixth Avenue, Room 1812.

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### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XIX

SATURDAY, APRIL 24, 1937

### MISSING THE POINT!

Fred Herrington, Secretary of Motion Picture Theatre Owners of Western Pennsylvania, an Allied States unit, chides me for telling the exhibitors two weeks ago that they have no right under the Columbia contract to cancel one picture under the roadshow clause, for losing the Capra picture "Lost Horizon," which Columbia has withdrawn from the contract.

"Your analysis of this stand," he says partly, "caused me a great deal of surprise. . . . As an old hand in the business, you certainly understand the established trade practice that when an exhibitor enters into a contract with a distributor, there is only one contract covering that distributor's product, with the possible exception of United Artists. If Columbia chooses to use two forms instead of one, that certainly doesn't make two contracts with the exhibitor. . . . I don't believe, from my knowledge of the established trade practice covering situations of this character, that any court would construe these papers as consisting of two separate contracts. In fact, I have consulted counsel who believe our position is correct in this regard. . . ."

A criticism of my stand was made to me also by an exhibitor whose opinions I respect, but who does not wish to be quoted.

It is manifest that both Mr. Herrington and my exhibitor friend missed the point that I tried to convey by that editorial; and since there might be other exhibitors, too, who may have missed my point, I feel it necessary to make myself clear.

But before going into the matter proper, let us take up the rights of the exhibitor under the contract:

There is nothing in the main contract or in the Capra Productions contract to indicate that they are to be read together as one contract. If the exhibitor has signed the arbitration provision in the contract and the matter is arbitrated, there is no doubt in my mind that the exhibitor would be given the award. Our main concern, however, should be about the exhibitors who did not sign the arbitration provision, and who would, therefore, have to go to court for their rights.

Mr. Herrington says that he consulted counsel; so did I. And I was told that it is doubtful if the exhibitor could be sustained in a court. But even this difference of opinion is unimportant. After all, it is not the lawyers that render the decisions; it is the courts.

But suppose the exhibitors did have a good chance to beat the distributor in court, would any exhibitor go to the expense of suing Columbia to assert his right of cancelling one picture to offset the picture Columbia has withdrawn? It is my opinion that not a single exhibitor would want to resort to that. The decision would then rest with Columbia as to whether or not the exhibitors might cancel a picture from the main con-

And now we come to the chief point of that editorial. My only object was to discourage the Columbia customers from cancelling a picture for losing "Lost Horizon." I reasoned as follows: Even if the exhibitor had the right to cancel a picture from the main contract, he could cancel one only from the lowest allocation group. Of course, the contract provides that the distributor may not re-allocate pictures after giving notice of availability. But we know that pictures are often re-allocated even after they have been played. Then again, what is there in the contract to prevent Columbia, after receiving notice of cancellation, from sending out another notice of availability, claiming that the first one had been a mistake?

At the same time, if the exhibitor cancelled a picture he would be compelled to buy another picture to fill the place of the one cancelled, and pay as much for it or nearly as much. The benefit then would be infinitesimal. On the other hand, his loss would be great, for when the salesman comes around to sell him the 1937-38 season's pictures, and he complains about the injustice of having bought "Lost Horizon" and then having lost it, the salesman will no doubt tell him: "Didn't you cancel one picture for that? What are you kicking about?" The exhibitor then would place himself in a psychologically inferior position.

How much stronger will the exhibitor's position be if he should not have availed himself of the right to cancel a picture! The salesman will make grandiose statements about the coming season's product, and the exhibitor will laugh at him. This laughter will be more mocking if the salesman should present him with a separate contract containing other Capra pictures besides "Lost Horizon"; the exhibitor will be able to tell the salesman that Columbia will deliver the other Capra pictures in the 1937-38 season as much as it delivered "Lost Horizon" in the 1936-37 season.

Let me reiterate: I am interested, not in whether the contract gives or does not give the right to the exhibitor to cancel a picture from the main contract, but in putting him into an advantageous bargaining position when the salesman comes around; he will profit far more this way than he would by cancelling a ten-dollar Columbia quickie.

### THEATRE DIVORCE BILL SLOWS UP AFFILIATED THEATRE EXPANSION

"Due to the passage of the North Dakota theatre divorcement bill and the possibility of enactment of similar measures by other state legislatures," says an article in *The Film Daily*, "circuits affiliated with producers yesterday were reported as inclined to go slow on further expansion moves pending a more definite shaping of the situation.

"Paramount is expected to soon file an action in North Dakota to test constitutionality of the law which gives the producers one year in which to discard their theatres.

"Among theatre acquisition deals being held in abeyance pending determination of the statute's constitutionality is one involving an important circuit.

"Attorneys for producers who have theatre interests are now studying the North Dakota law. According to one theory advanced, it would prohibit theatre owners from holding stock in producing companies."

When the Allied States officers were having the North Dakota Theatre Divorce Bill prepared, their belief was that, should they be successful in having it passed even in a single state, the theatre-acquiring activities of the producers would slow up considerably even if they did not stop entirely, for a sort of un-certainty would be created in their minds thereby. And that is exactly what has happened, as The Film Daily article attests.

In regards to the belief of producer lawyers that the North Dakota law is unconstitutional, allow me to say that Noel T. Dowling, Professor of Constitutional Law at Columbia University, feels differently: in a memorandum that he submitted to the Allied leaders, to accompany the Bill for the enlightenment of legislators, Prof. Dowling says that there is nothing novel about

### "Wake Up and Live" with Alice Faye, Walter Winchell and Ben Bernie

(20th Century-Fox, April 23; time, 91 min.)

The advance publicity this picture has received should alone insure good box-office returns. And it is the type of entertainment currently popular, for it has good music, well-known players, and a better-than-average plot for a musical. The action is fast, blending comedy with romance and music. Walter Winchell's first picture appearance may help it to draw, for there are probably many people who are interested to see what he looks like. He acts ably. His friendly feud with Ben Bernie, familiar to the readers of the Winchell column, is carried on in a comical way here. Jack Haley will surprise audiences by his excellent portrayal of the modest singer who had no idea of his talents. One is in sympathy with him throughout and is, therefore, pleased at the outcome. The methods used to bring him to his senses are novel and hold one in suspense:

Failing in his first attempt to broadcast because of "mike" fright, Haley is deserted by his singing partner (Grace Bradley), who decides to do a solo act. He becomes a Radio City guide, but he dreams of the day when he would get over his fright and be able to sing over the radio. One night he sneaks into the control room to listen to a broadcast by Ben Bernie; seeing a microphone, he sings into it; he did not know that it was connected to Bernie's program. His excellent voice creates a stir, but no one is able to trace the source. Bernie labels him the "Phantom Troubadour" and offers a reward of \$5,000 for information as to his whereabouts. Haley had absolutely no idea that he was the man wanted. By accident, Alice Faye, who had been working at the broadcast studio, discovers that the mystery man is Haley. She undertakes to cure him of his fright; her method was to have him sing at her home before a microphone, making him believe that it was not connected. But by arrangement with the broadcasting company the microphone was actually connected, and his voice was broadcast each time he sang. Miss Bradley and a crooked agent try to obtain Haley's signature to a contract; but they are foiled. When Haley finally learns that he was the "Phantom Troubadour" he is amazed; he suffers from fright again when he realizes that he was about to broadcast. But, inspired by Miss Faye, with whom he had fallen in love, he gets over his fright and becomes a full-fledged radio singer.

Curtis Kenyon wrote the story, and Harry Tugend and Jack Yellen, the screen play; Sidney Lanfield directed it, and Kenneth Macgowan produced it. In the cast are Patsy Kelly, Ned Sparks, Douglas Fowley, and others. Suitable for all. Class A.

### "The Woman I Love" with Paul Muni, Miriam Hopkins and Louis Hayward

(RKO, April 23; time, 88 min.)

It is a pity that the talents of Miriam Hopkins and Paul Muni should have been wasted on a story so trite as this. Muni's part in particular is completely negative; one cannot even feel sympathy for him although he deserves it. For no reason at all he is made to wear a beard. This makes him look unkempt and unprepossessing; he didn't have to wear a beard to be a Frenchman. Miss Hopkins' part is unpleasant; it is that of an unfaithful wife. The shots of aeroplane encounters fail to have a thrilling effect, for similar scenes have been shown many times. Besides, they are stock shots, taken from the library, and look bad in a modern picture. It is not until the very end that any-thing happens to touch the spectator; in that part one is moved to tears. There is at least one novelty: the lover is killed and the wife remains with her husband. Some comedy relief is furnished by the jesting amongst the soldiers. The background is France during the World War:-

The night before his departure for the front, Louis Hayward accidentally meets Miss Hopkins in a theatre; he saves her from being crushed by hurrying mobs during an air raid. After a few hours of dancing and drinking together they declare their love for each other. Hayward leaves, promising to write. He joins the aviation division that was noted for its bravery; it was headed by Colin Clive. Muni, one of the aviators, is disliked by the men because every gunner that had gone up with him had been shot dead by enemy aviators. For this he had been nick-named "The Jinx." But Hayward takes to him and they become fast friends. Muni talks about his wife, whom he adores, and Hayward tells of his love for the woman he had met; neither realized that he was talking about the same woman, for Miss Hopkins had given Hayward a different name. When Hayward goes to Paris on leave, Muni asks him to take a letter to his wife. He is shocked

to discover who she is. He tells her of the admiration he felt for Muni and of his determination not to see her again. She follows him to the front, pretending, of course, to have gone to see Muni. She pleads with him to go back to Paris with her by applying for a transfer to Paris as an aviation instructor. Knowing that only he and his wife knew of the right so to apply, Muni's suspicions are aroused, particularly since Hayward had been acting peculiarly towards him. But Hayward decides at the last moment not to goand Miss Hopkins returns to Paris alone. During an encounter with an enemy plane, Hayward is killed and Muni wounded. Miss Hopkins nurses Muni back to health; she does not talk of her affair, nor does Muni let her suspect that he knew of it. He receives a visit from Hayward's young brother, who recognizes Miss Hopkins; but the child does not let on that he knew her. He tearfully asks Muni questions about how his brother had died. In order to make Miss Hopkins happy, Muni tells her Hayward had died with the name of the woman he loved on his lips

The plot was adapted from the novel by Joseph Kessle. Ethel Borden wrote the screen play; Anatole Litvak directed it, and Albert Lewis produced it. In the cast are Adrian Morris, Minor Watson, Wally Albright, and others.

Although there is nothing morally wrong, it is doubtful whether children will enjoy it. Adult entertainment.

Class B.

### "Nobody's Baby" with Patsy Kelly, Lyda Roberti, Robert Armstrong and Lynne Overman

(MGM, April 23; time, 67 min.)

This comedy is solely for the Patsy Kelly fans; it is amusing in the first two reels, for the action is extremely comical. But in the rest of the film it lags somewhat, and the laughs do not come easily. The sets are pretty good for a program offering of this type, particularly those in the night club sequence, which offers music and dancing. Miss Kelly is her usual self, and should delight her fans; but she has to work pretty hard to overcome the defects of the story, which really is no more than a two-reeler stretched into feature length. Lyda Roberti is a good partner for

Miss Kelly; she is the direct opposite in type.

In the development of the plot, Miss Kelly finds, much to her annoyance, that Miss Roberti is her room-mate at nurses' training school. She had experienced the discomfort of living with her when they had to share the same kitchen in a rooming house. The girls go out for a bus ride, and when they reach the end of the line they discover that they haven't enough fare to return home. Consequently, they are compelled to take a hitch with Lynne Overman, a detective, and Robert Armstrong, his friend, a newspaper reporter. They become good friends. Miss Kelly recognizes Rosina Lawrence, a patient at the hospital who had given birth to a baby, as the missing night club dancer, whose partner and husband in secret (Don Alvarado) was making a frantic effort to find her; they had quarreled and parted months previously, and Miss Lawrence had not told him that she was to be a mother. The girls offer to take care of the baby until Miss Lawrence broke the news to Alvarado. This gets them into a compromising position, for their respective boy friends had thought that the baby belonged to one of them. Eventually everything is cleared up. Alvarado is overjoyed at the reconciliation with his wife, and at the fact that he had such a grand baby.

Harold Law, Hal Yates, and Pat C. Flick wrote the original screen play; Gus Meins directed it, and Hal Roach produced it. In the cast are Tom Dugan, Orrin Burke, and

Suitable for all. Class A.

### "Girl Loves Boy" with Cecelia Parker and Eric Linden

(Grand National, March 27; time, 78 min.)

Mediocre! It is a homespun human interest story, but it lacks action and realism; it is so silly that audiences may laugh it off the screen. The antics that are performed by small-town characters, employed in some comedy sequences, have been used with better effect in other pictures. At times it moves so slowly that one is bored. The best outlet for a picture of this kind is the double bill, in small towns.

Karl Brown and Hinton Smith wrote the original story, and Duncan Mansfield and Carroll Graham, the screen play; Duncan Mansfield directed it, and B. F. Zeidman produced it. In the cast are Otto Hoffman, Buster Phelps, Jameson Thomas, Spencer Charters, and others. Morally suitable for all. Suitability, Class A.

### "Motor Madness" with Rosalind Keith and Allen Brook

(Columbia, April 5; time, 61 min.)

Ordinary program entertainment. Although no mention is made in the credits of the name of the author of the original story, there seems to be no doubt that this is a remake of "Speed Demon," produced by Columbia in 1932; a few changes have been made in this version. Most of the story unfolds in a manner expected by the spectator, and so his interest wanes. The only exciting part of the picture is the closing; there the hero risks his life to save a young boy who had been kidnaped by the villain. The romance is mildly pleasant:—

Allen Brook, who was to race the motorboat belonging to J. M. Kerrigan, grandfather of the girl (Rosalind Keith) he loved, is so good that gamblers, who had bet against him, decide to put him out of the way. By framing him, they have him thrown in jail, where he is forced to remain during the race. Miss Keith undertakes to race the boat herself, and is overthrown and seriously injured. Brook, upon his release, learns that \$1,000 was needed for an operation on Miss Keith. In order to raise the money, he accepts the proposition of the gambler who had framed him to take two men in a speed boat to a waiting ship. He did not know they were criminals, wanted by the police. When the coast guard chase his boat, one of the criminals shoots and wounds the commanding officer. They get away. Brook pays the doctor, who operates on Miss Keith and saves her life. Eventually everything is brought to light and the lovers reconciled. In an important race, Brook pilots the boat to victory. At the conclusion he learns that the gambler had kidnapped a young boy whom Brook had befriended, and had taken him to a ship. Brook gets there in time to prevent the gangsters from killing the boy; he helps the coast guard round up the gang.

helps the coast guard round up the gang.
Fred Niblo, Jr., and Grace Neville wrote the original screen play; D. Ross Lederman directed it, and Harry L. Decker produced it. In the cast are Marc Lawrence, Rich-

ard Terry, George Ernest, and others.

Because of the gangster activities some exhibitors may find it unsuitable for children. Harmless for adults. Class B.

### "Night Key" with Boris Karloff, Warren Hull and Jean Rogers

(Universal, April 25; time, 68 min.)

Fair program entertainment. For a change, Karloff plays a straight and sympathetic part. Although the doings are far-fetched, the picture should please fairly well those who like action melodramas. The closing scenes consist of a thrilling race and of a fight between police and crooks. It starts off somewhat slowly, but picks up in the second half; there one is held in suspense owing to the danger to Karloff, who had innocently become involved with dangerous crooks. The romantic interest is pleasant, but of minor importance to the development of the plot:—

Karloff, inventor of an electrical patrol system, whose invention had been stolen from him by his former partner (Samuel Hinds), perfects a new patrol system, superior to the former. He arranges to sell it to Hinds on a royalty basis, but is enraged when, upon receipt of a \$500 check as advance royalty, he learns that Hinds had no intention of using the new invention. Heartbroken, Karloff decides to teach Hinds a lesson. By the use of his new invention, he enters stores patroled by Hinds' system without setting off an alarm. At each place he leaves notes telling Hinds that it was his work. This puts Hinds in an embarrassing position, for it jeopardizes his business. A gang of crooks, headed by Alan Baxter, kidnap Karloff and, forcing him to use his device to open doors of patroled warehouses, they terrorize the city with their many thefts. Warren Hull, working for Hinds, and in love with Karloff's daughter (Jean Rogers), tries to find Karloff, in order to protect him. But the police are looking for Karloff as the leader of the gang. Karloff manages to escape from the crooks' hideout and rushes to Hinds' office. There he tells his story and pleads with Hinds to follow his method of trapping the crooks; he feared for his daughter, who had been kidnapped by the crooks. Things work out as he had planned—the crooks are captured and his daughter saved. Hinds relents and promises to use Karloff's new device.

William Pierce wrote the story, and Tristram Tupper and John C. Moffitt, the screen play; Lloyd Corrigan directed it, and Robert Presnell produced it. In the cast are Hobart Cavanaugh, and others.

The activities of the crooks make it unsuitable for children. Harmless for adults, Class B.

### "The Hit Parade" with Phil Regan and Frances Langford

(Republic, April 26; running time, 85 min.)

"The Hit Parade" has everything needed to make a hit,comedy, music, vaudeville numbers, dancing, some well known personalities in the amusement world, radio as well as stage, and on top of all this a story which, though simple, has human interest. The human interest is awakened by the hero's efforts to help a girl in her hour of trouble. The scene where he broadcasts an appeal for her to show up at the broadcasting station to do her part is pretty moving. Phil Regan, who takes the part of the hero, is a likeable personality and the exhibitor should feel sure that he will be received by the picture-audiences well. Frances Langford, who took part in "Born to Dance" and in other pictures, does excellent work; she has been performing over the radio for several years and is known to many radio fans. George Givot again does well as the Englishslaughtering cafe proprietor. Edward Brophy, too, contributes some comedy as the ex-racketeer, who became the head of a business and was having a radio hour to advertise his wares with. But it is Max Terhune, a well known vaudevillian, who contributes most of the comedy; he imitates cows and other animals in a laugh-provoking manner, and does a ventriloquist act amusingly. The added attracand does a ventriloquist act amusingly. The added attractions are: Stanley Fields, the Bed Time Story Man; tions are: Stanley Fields, the Bed Time Story Man; Sammy White, the well known dancer; Duke Ellington and his orchestra as well as Eddy Duchin with his own orchestra; Molasses and January, Pick and Pat, radio personalities; and "The Voice of Experience." Paul Garner, Sam Wolfe, and Richard Hakins, "The Gentle Maniacs," do a few comedy numbers, of the slap-stick variety. Yvon Monoff, Mildred Winston, and Barbara Johnson, the "Tic Too Girle" give a few yood numbers. Toc Girls," give a few vocal numbers.

In the story, Phil Regan, a press agent, is thrown over by Louise Henry, a Park Avenue girl, whom he had made famous as a radio singer. Despondent, he comes upon Frances Langford, doing an act in a cabaret, and recognizes ability in her. He induces her to accept his management and soon he makes her famous. But Miss Langford is haunted by her past; although innocent, she had been sent to a reformatory, and later had jumped her parole. Jealousy makes Louise Henry expose her to the newspapers, but instead of ruining Miss Langford's career she makes it, for Miss Langford becomes more popular, particularly after the Governor pardons her when her innocence becomes known. Regan and she become engaged.

The screen play was written by Bradford Ropes and Samuel Ornitz, from an original by the former. Gus Meins directed it under the supervision of Colbert Clark.

Good for the entire family. Class A.

### "Call It a Day"

(Warner Bros., April 17; running time, 89 min.)

An excellent production but a mild entertainment. At times it is even boresome. It is a high comedy, dealing with a day's happenings in the lives of the members of one family. Its theme is considerably sexy, but it has been handled with delicacy.

Ian Hunter and Frieda Inescort are happily married for twenty years; they become scttled and each takes the other as a matter of course. Olivia de Haviland, their elder daughter, falls in love with Walter Woolf King, an artist with a weakness for women, even though he is married. Bonita Granville, the "baby" daughter, worships at the shrine of Shelley and Rosetti. The spring weather has an effect also on Peter Willis, the son; he falls in love with Anita Louise, a neighbor. Hunter, who is an accountant, calls at the apartment of Marcia Ralston, an actress, to talk to her about her income tax report, but she has other things in her mind—she tries to fascinate him. He is about to "fall" for her charms when he "wakes up" and rushes out of the house. Roland Young meets Frieda through Alice Brady, his sister, and is awed by her beauty. He falls in love with her. Frieda is flattered, but she tells him that she is married. This, however, does not make any difference to him; he wants her and presses his suit. Olivia is heartbroken when she learns that Walter had left her flat and gone to Italy with his wife.

The picture ends showing each member of the family coming to his senses.

The plot has been based on a sereen play by Casey Robinson, taken from the play by Dodie Smith. Archie L. Mayo directed it.

Adult entertainment, Class B.

the power exerted in the Bill; on the contrary, it is merely the application to new conditions of a long known and well recognized power.

"The Bill," Prof. Dowling says partly, "comes within what is commonly known as the police power of the State. That power 'extends to all the great public needs . . . it may be put forth in aid of what is sanctioned by usage, or held by the prevailing morality or strong and preponderant opinion to be greatly and immediately necessary to the public welfare.' In one respect the Bill is an anti-trust law, to break the power of the producers over public morals. . . .

"In another aspect the Bill is an equally well known form of regulation, the enforced separation of two kinds of business when in the combination the public interest is jeopardized by conflicting interests. When it appeared a few years ago that many bankers had engaged in the investment business and in stock trading and that as a result banks had acquired interests in particular securities opposed to the interest of the depositors in having the bank's funds invested in securities of general safety, Congress and at least two States passed statutes requiring separation of the businesses of banking and investment. Conditions in the liquor business have prompted many states to forbid manufacturers and wholesalers of liquor to have any interest in a retail liquor establishment or its fixtures. A wide-spread investigation in 1930-31 by public service commissions and legislative committees revealed that gas and electric companies were using their advantageous position in the communities to engage in unfair competitive practices in the retail merchandising of appliances, and resulted in the enactment by Kansas and Oklahoma of statutes forbidding such companies to engage in merchandising. The Supreme Court of Illinois has held that grain warehousemen are forbidden by the public nature of their calling to engage in grain trading. And when Congress found that the public was being harmed by discriminatory practices of railroads, which favored with special rates goods from mines or factories in which they were interested, it enacted the 'commodities clause' which forced the separation of manufacture and mining from transportation of goods.

"The police power certainly includes regulations of the kind here proposed, though the validity of its exercise may depend at any given time upon the conditions prevailing in the industry and the public interest manifested in respect of those conditions. In the exercise of that power the States have a wide discretion. It is primarily, but not solely, a matter of legislative judgment whether such evils exist as should be corrected and whether the means selected for their correction have a real and substantial relation to the ends sought to be attained."

More of the memorandum will be given in subsequent issues. In the meantime, you should send a check to Mr. James Ritter, treasurer of the Exhibitor Defense Committee, Rialto Theatre, Detroit, Michigan, to help the Committee carry on the work of separating theatres from production-distribution. The charge to each exhibitor is ten cents a seat for every seat he has in his theatre or theatres, but there is no objection if he wishes to send more. It is, indeed, a cause well worth your support.

## THE ALLIED STATES PETITION TO THE COMMITTEE ON THE JUDICIARY

Under the sub-heading, "Attitude of the Department of Justice," the Petition, which Allied States submitted to the Committee on the Judiciary of the House of Representatives for "relief from contracts, combinations, conspiracies and monopolies in the motion picture industry," there is said:

"The undersigned desires to acknowledge the splendid efforts of Attorney General Cummings in the prosecution of the Warner Case in St. Louis. He stood firm in forcing some of the most powerful figures in the industry to face a court and jury. His deputy, Russell Hardy, showed a thorough grasp of the intricacies of the business and prosecuted the case with pertinacity and skill. Undaunted by an adverse verdict in the criminal case, which was plainly out of harmony with the instructions of the court, he proceeded immediately with an equity suit involving the same state of facts. Ultimately he forced restitution to the independent exhibitors of the properties and contract rights of

which they had been despoiled. This resolute action by the Department of Justice led the sorely-pressed independents to believe that their deliverance was at hand.

"Since then Hardy has been succeeded on this assignment by Paul Williams, who appears to be deaf to the appeals of the complaining exhibitors. Notwithstanding the many complaints sent in from all sections of the country, and particularly from the South where chain depredations are most flagrant, only one minor proceeding has been filed. This proceeding has been denominated in the public prints a 'friendly' one, and Williams, in an interview with a representative of the independent exhibitors, expressed doubt that it could be won. Williams apparently has not considered, or attributes no weight to, the interrelationship of the circumstances and practices set forth herein and seems to be concerned only with the legal status of each step or transaction viewed separately and apart from all the others. There are indications that the complaints of independent exhibitors are forwarded to the legal representatives of the Big Eight for comment. Such a practice, if followed, would be not only futile but dangerous in that it would inevitably lead to recrimination and retaliation. The special agents sent out to investigate complaints now perform their duties in a perfunctory fashion which reflects an uninspired and uninspiring direction."

### COLUMBIA'S FOREIGN PICTURES

Columbia seems to be taking advantage of its 1936-37 season's customers. In its announcement in the beginning of the 1936-37 season, it gave no hint that it would release any foreign pictures. But it has so far released two, "The Beloved Vagabond," with Maurice Chevalier, which is very poor, and "Thunder in the City," with Edward G. Robinson, which is fair.

The Columbia executives know how most American exhibitors feel about getting foreign-made films on their contracts when they did not bargain for them. Consequently, the act of Columbia is highly reprehensible.

There is no doubt in my mind that this will be one of the matters that will be discussed at the Allied States Annual convention in Milwaukee. In the meantime, mark this down as one of the many abuses that are practiced on you by the producer-distributors.

### Warner Bros. Pictures, Inc.

321 West 44th St. New York, N. Y.

April 15, 1937

"Dear Pete:

"I think we've got it on you this time. I have just read your review of MARKED WOMAN and in the friendliest way want to challenge the line which says: 'If anything, it is a man's picture for it's doubtful whether women could stand some of the brutal acts,' etc.

"Now Pete, at the Strand Theatre, New York, and at most of the other theatres throughout the country, MARKED WOMAN is playing to a 60% feminine audience. How do you figure it?

"Having been a student of psychology all my life, I am quite convinced that what is shown in MARKED WOMAN is very definitely a woman's problem and not a man's.

"Would you like to check our audiences while the picture is still being shown at the Strand? Or will you take my word for it—and if you do, I know you are a big enough man and fair enough to offer a correction in some forthcoming issue.

"Incidentally, the picture is doing a business comparable with our biggest hits.

"With kindest personal regards,

Sincerely,
S. Charles Einfeld
Director of Advertising and Publicity."

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Its Editorial Policy: No Problem Too Big for Its Editorial Columns, if It is to Benefit the Exhibitor.

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### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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### THE PANORAMIC SHOT CURSE

It is hard for a person not engaged in some production activity to know who is responsible for the panoramic shots in pictures — whether it is the writer who writes the screen play, and puts in his direction "PAN TO," or the director, who gives instructions to the cameraman; but whoever he is he is certainly doing irreparable harm to the interests of those who pay him to make pictures that will draw patrons to the box office.

A simple inquiry submitted to some optician, oculist, or the professor of ophthalmology of some university should enlighten him beyond the possibility of any doubt.

The panoramic shot, as every one of you knows, is that shot which follows the actors around the room. While the camera stands stationary so far as the moving actors or objects are concerned, the background moves. And it is just that movement that plays havoc with the spectator's eyesight. While reviewing "Maytime" at the Capitol Theatre, a couple back of me averted their eyes and made a disapproving remark; they felt dizziness because of such a shot. The scene was in the park, and the camera moved almost 180 degrees.

It was not so bad in "Maytime"—the panoramic shots are not so many in that picture; but I have seen pictures in which the camera "panned" all the way through: at the slightest motion of the characters the camera would move. In these circumstances, even if the story were most entertaining, the annoyance spoiled one's pleasure.

Just for the benefit of those screen-play writers and of those directors who think that the panoramic way of photographing scenes is artistic, it may be said that, when a new impression is thrown on the retina of the eye before the old impression is conveyed to the brain, the effect is annoying. The annoyance itself might be borne with fortitude by the suffering picture-goer were it not for the fact that he leaves the theatre with a headache.

Heads of the studios should see to it that the panoramic shots, if not discontinued entirely, are used with discretion, but under no circumstances in medium closeups; they work havoc with the eyesight of many persons. What is the use of their spending five, six, or more hundreds of thousands of dollars on a good story and have it spoiled by offensive camera work?

## THE WEEKLY PAYMENT PLAN ON SHORTS

United Motion Picture Theatre Owners of Eastern Pennsylvania, Southern New Jersey and Delaware, continues leading the fight against the weekly payment plan of shorts, established by the producers since the NRA Code was outlawed by the courts. The following was said in the organization's Bulletin, of April 9:

"From present indications, pledge cards, which have been returned to the Secretary by the exhibitors in this territory, show that the weekly payment plan of shorts is on the out.

"Every day more exhibitors are signing the pledge cards, that they will not sign any commitments providing for the weekly payment on shorts. If you have neglected to co-operate with your organization in this respect, do so immediately by sending in your pledge. . . .

"Today there are approximately 75% of the exhibitors in this territory who have gone on record as being opposed to this pernicious menace of weekly payment plan on shorts."

The secretaries of every exhibitor organization throughout the country should emulate the example of Mr. Aarons, secretary of U. M. P. T. O., of E. Pa., S. N. J. & Del., by sending to each of the members a card, to be signed by them, pledging themselves against the weekly payment plan on shorts. It is an unjust plan, in that one is required to pay money for something for which he often does not receive any value.

### ABOUT THE ALLIED CONVENTION

Harrison's Reports suggests that every one of you read the following, taken from the April 15 release of Allied States Association. Although it was undoubtedly meant for the Allied leaders, it applies to every independent exhibitor in sympathy with the Allied organization:

"Between now and the convention there will be plenty of work for all leaders and exhibitors interested in the success of efforts being made to promote and protect the interests of the independent exhibitors. The cause needs their participation and encouragement.

"Some men, especially gifted, have been called upon to do more than their share. They feel, very justly, that others should step forward and assume a part of the burden. Some, who have not been so active in the past, may feel that their services are not needed or that they have been overlooked or neglected. Whatever the situation or feeling of any individual, his obligation to himself, his members and his fellow exhibitors is clear. He should now put his shoulder to the wheel and do everything possible to make the forthcoming convention a success.

"Remember that the men on the convention committees have assumed a great burden. To do a

### "You're in the Army Now" with Wallace Ford, John Mills and Anna Lee

(Gaumont-British, March 1; time, 71 min.

This English-made comedy, directed by Raoul Walsh, is moderately amusing; it is, however, suitable mostly for men, for on occasion it is somewhat rough, particularly in the scene where Grace Bradley tries to inveigle Wallace Ford into making love to her. With the exception of Ford and Miss Bradley, the English players are unknown here; and the British accents may prove a drawback in some spots. Until the closing scenes, the picture consists almost entirely of comedy situations; but, in the end, it turns melodramatic, with a somewhat exciting fight between Chinese bandits and British soldiers. The romantic triangle has been handled in a comical rather than serious manner:—

Ford, a petty American racketeer and gambler, is an unwilling witness to a murder of a man at a Chinese gambling establishment. Realizing that, with his record, the police would hold him for the murder, he takes the identification papers, passport, and steamship ticket out of the victim's pockets, and sails for England, using the victim's name. He is met at the pier by Anna Lee and John Mills, a soldier, childhood friends, who are unaware of the deception. Before he knows what is happening, he finds himself enlisted in the British Army, for that is what the dead man had intended doing. At first he shirks his duties, but he is soon brought into line. He falls in love with Miss Lee, but finds that he had a rival in Mills. For the first time in his life Ford is happy to lead a clean life, away from crime and gambling. But his dreams are shattered by the arrival of Miss Bradley, his chorus girl friend from America, who threatens to expose him. He tries to escape, but is brought back to the Army and assigned to duty in China, where there is a bandit uprising. Through his bravery, the ban-dits are routed from the British Embassy. Ford, shot during the battle, dies in Miss Lee's arms.

Lesser Samuels and Ralph Bettinson wrote the original screen play. In the cast are Frank Cellier, Peter Croft,

Arthur Chesney, and others.

A little rough in spots for children. Adult entertainment.

### "Love from a Stranger" with Ann Harding and Basil Rathbone

(Trafalgar-United Artists, May 14; time, 86 min.) This British-made horror melodrama, by virtue of its theme, which is a psychological study of a homicidal maniac, is limited in its appeal; it is suitable mostly for class audiences. The leisurely pace in the first half, which consists of dialogue instead of action, makes it too slow for the masses. The second half is more gripping; there the maniacal tendencies and morbid character of Basil Rathbone are developed, holding one in suspense. The closing is the most powerful part; there Ann Harding, to save her life, outwits the maniac Rathbone:—

Miss Harding wins a large sum of money on a sweepstakes ticket. Planning to go to Paris for a gay time with her friend (Binnie Hale), she decides to sublease her apartment. Her first caller is Rathbone; his culture and charm appeal to Miss Harding. He promises to call again. When her fiance returns from a business trip, she tells him of her good fortune and suggests that they marry and with her money spend a gay honeymoon on the continent. He resents this; they quarrel and part. Miss Harding is pleasantly surprised to find Rathbone her ship companion on the way to Paris. She falls madly in love with him and after a whirl-wind courtship marries him. Her former fiance, who felt that Rathbone was a scoundrel, is heartbroken. Miss Harding and her husband return to England; she is considerably worried about his health-he suffered from heart attacks and pains in his head. He insists that they move to the country; they rent a house in an extremely quiet section. As time goes on Miss Harding becomes frightened at Rathbone's attacks of despondency during which he would fly into a rage. The night before they were to leave on a trip, Miss Harding suddenly realizes that Rathbone was a maniae and that he intended to kill her that very night in the same manner that he had killed three other wives. He tells her how he had planned the whole marriage and had even set the time for the murder. Different methods failing, Miss Harding tells him she had poisoned his coffee. This so frightens him that he suffers from a heart attack and dies. Miss Harding runs screaming to the arms of her former fiance who, feeling that Miss Harding was in danger, had broken into the house.

The plot was adapted from the play by Frank Vosper. Rowland V. Lee directed it, and Max Schlach produced it. In the cast are Jean Caddell, and others.

Not for children or adolescents. Adult fare. Class B.

### "A Family Affair" with Lionel Barrymore, Cecilia Parker and Eric Linden

(MGM, March 19; time, 68 min.)

A good homespun comedy-drama, of program grade; it offers, besides its pleasant picture of family life, a fairly interesting story. The best part is the comedy provoked by Mickey Rooney, as the youngest member of the family; what he says and how he acts are typical of young boys; they are extremely comical. One feels sympathy for Lionel Barrymore, father of the family, who is misunderstood when, in his capacity as Judge, he signs an injunction preventing a construction company from going ahead with a job in his home town, which would have brought to the community temporary prosperity. His daughter (Cecilia Parker) is particularly angry because the injunction meant that her sweetheart (Eric Linden) would be deprived of his chance to make good as an engineer. Barrymore's enemies try many ways of bringing him to their way of thinking, even threatening to create a scandal about Barrymore's married daughter (Julie Haydon), who, although innocent, had been placed in a compromising position. The closing scenes are exciting; there Barrymore, not only saves his daughter's reputation by bringing about a reconciliation between her and her husband, but he also proves that the construction job would have done great harm to the community. He receives the cheers of the crowd and is assured of reelection as judge. All is serene in the family life and happiness again prevails.

The plot was adapted from a stage play by Aurania Rouverol. Kay Van Riper wrote the screen play, George B. Seitz directed it, and Lucien Hubbard and Samuel Marx produced it. In the cast are Charley Grapewin, Spring Byington, Sara Haden, and others.

Suitable for all. Class A.

## "Mountain Justice" with Josephine Hutchinson and George Brent

(First National, April 24; time, 811/2 min.)

A well produced and somewhat gripping melodrama, centering around vicious and bigoted American mountain folk. Whether it will please the general run of audiences, however, is somewhat doubtful, for it is sombre entertainment, with just slight comic relief. The plot was, no doubt, inspired by the recent newspaper accounts of the mountain girl who killed her father. One is in deep sympathy with the heroine, who is subjected to extremely cruel treatment at the hands of her sadistic father. The scenes toward the end in which she is shown striking at her father in order to prevent him from beating her to death are heartbreaking. The trial scenes and the later attempts of the mob to lynch her are portrayed so vividly that one is held in tense suspense. It has a pleasant romance:

Josephine Hutchinson, a mountain girl, is eager to study nursing in order to help Guy Kibbee, a doctor, establish clinics for the poor mountain folk. Her father (Robert Barrat) is opposed to her ideas; he felt that her duty was to marry. He had never forgiven her for having innocently testified against him in his trial for murder, in which George Brent had acted as prosecuting attorney, as a result of which he had been sent to jail for three months. Upon his return home, he finds out that Brent had visited Miss Hutchinson. He beats her for this and warns her that she must marry the man he had chosen for her. With money supplied by Kibbee, she runs away, and goes to New York to study. Brent follows her and begs her to give up her dreams and marry him; but, despite her love for him, she persists in continuing her work. Her course finished, she returns home, bringing with her wealthy Mona Barrie, a nurse who had decided to finance the clinics. Barrat refuses to see her. One night her young sister, whom Barrat had attempted to marry off to some brutal friend, comes rushing to her crying for protection. Barrat, who had followed her, starts beating Miss Hutchinson; she fights back and he staggers out of the room into the open where he dics from a heart attack. Miss Hutchinson is tried for murder and sentenced to twenty years imprisonment. The mountain folk, feeling that she should have been hung, prepare to lynch her. Through a ruse, Brent, who had come to her defense, gets her out of the town in an aeroplane, and then obtains a pardon for her. She marries him, telling him she would leave the clinical work to Kibbee.

Norman R. Raine and Lucie Ward wrote the original screen play, and Michael Curtiz directed it. In the cast are Joseph King, Margaret Hamilton, and others.

It may be a little too brutal for children. Better suited for adults. Class B.

### "Captains Courageous" with Freddie Bartholomew and Spencer Tracy

MGM, not yet set; time, 116 min.) Excellent! It is the type of entertainment that audiences will not forget soon, for its spiritual beauty makes a deep impression on one. In adapting it from the Kudyard Kipling novel, the scenarists showed remarkable skill; the alterations that they made in characters and situations enhance the value of the story. The regeneration of the spoiled wealthy boy is brought about in a more human manner through a devoted friendship with a Portuguese fisherman, whom he learns to adore. As portrayed by Spencer Tracy, this fisherman becomes one of the most lovable characters seen on the screen; he is a man with a soul, who appreciates the simple things in life, and who finds beauty and peace in music and the sea. The friendship is developed with keen understanding and sympathy. The most powerful scene is that which shows the mast of the schooner breaking; Tracy, who had gone aloft to tend the topsails, falls into the sea entangled in rope and canvas. The anguish suffered by Freddie, who sees his dear friend going to his death, is so touching that there will not be a single dry eye in the theatre. In spite of the fact that, with the exception of the Cap-

tain's wife, there are no women in the cast and no romance,

the picture will undoubtedly appeal to all:—
Because of his snobbishness, Freddie is disliked by all his schoolmates. On account of his father's position and wealth, he felt that he should be looked up to; but the boys felt differently. After hearing about Freddie's behavior at school, his father (Melvyn Douglas) decides to take him on a trip to Europe. On the boat, Freddie boasts, as usual, about himself. When the boys dare him to drink five ice cream sodas, he does so and becomes ill. In an attempt to hide from the boys his nausea, he trips and falls overboard. He is picked up by Tracy, a Portuguese fisherman, member of the crew of a Gloucester fishing boat, of which Lionel Barrymore was the Captain. At first he acts in his usual haughty manner, demanding that Barrymore abandon his fishing and take him to shore, becoming enraged when he is told that this could not be done for three months. His antagonism melts under the kindly friendship that develops between Tracy and him, and he sets about learning to become as good a fisherman as Tracy. He grows to adore Tracy, and pleads with him not to send him back to his father, who had never had time to be with him. When Tracy is drowned after an accident, Freddie is inconsolable. He does not even look forward to seeing his father again, who had received a wire to meet the fishing boat at Gloucester. His one wish was to remain with Barrymore and to carry on the work Tracy had taught him. Douglas is heartbroken at his son's refusal to talk with him. But he bides his time. He wins back the boy's affection when he throws a wreath of flowers on Tracy's watery grave. They leave for home, each looking forward to a life happier than they had ever known.

John Lee Mahin, Marc Connelly, and Dale Van Every wrote the screen play; Victor Fleming directed it, and Louis D. Lighton produced it. In the cast are Charley Grapewin, Mickey Rooney, John Carradine, Oscar O'Shea, and others. Excellent for all. Class A.

### "A Star Is Born" with Janet Gaynor and Fredric March

(United Artists, April 30; time, 111 min.)

Excellent! This is one time that technicolor, instead of interfering with the story, adds to its value. Aside from its physical beauty, it is a powerful human-interest drama, one that tugs at the heartstrings, on many occasions bringing tears to the eyes. The Hollywood background, with its places of interest and intimate studio shots, should interest every one. As for Janet Gaynor, she will undoubtedly win back her fans and gain renewed popularity by her performance. And Fredric March has never appeared to better advantage; although his part is somewhat unsympathetic, he plays it with such sincerity and with so much realism that he wins one's admiration. When he dies in the eud, one is touched deeply. There are moments of comedy to relieve the tension; these are well placed and do not interfere with the progress of the story. The oral advertising this picture will receive should insure unusual box-office results; and spectators will not be disappointed, for it is great entertainment:

The heroine (Miss Gaynor), a country girl, aspires to become a motion picture star. Financed by her grandmother (May Robson), she goes to Hollywood, where she meets with the usual disappointments. Being out of funds, she takes a one night job as a waitress at a party given by a Hollywood producer (Adolphe Menjou). Among the guests is the hero (March), a famous motion picture star,

who was on the downgrade because of excessive drinking. Charmed by Miss Gaynor's wholesomeness, he prevails upon her to leave the party and to permit him to take her home. He insists that Menjou give her a screen test. The test is so good that Menjou signs her up. But March goes even further; he insists that she be given the lead opposite him in his new picture. At the preview, Miss Gaynor is hailed as a new star and March is forgotten. Under Miss Gaynor's influence March becomes a new man, promising to give up drinking if Miss Gaynor would marry him; she marries him and for a time they are blissfully happy. But upon returning from their honeymoon, March learns that he had lost his popularity. He agrees to tear up his contract. Lonesomeness and inactivity soon begin to wear on his nerves and he again takes to drink, sinking lower and lower. He tries a cure at a sanitarium, but as soon as he is released he goes back to drink. Realizing that he would be a burden on his wife, he drowns himself. She is so heartbroken, that she decides to give up her career. But her grandmother encourages her to keep going on, just as March would have wanted her to do.

William Wellman and Robert Carson wrote the story, and Dorothy Parker, Allan Campbell, and Robert Carson, the screen play; William A. Wellman directed it and David O. Selenick produced it. In the cast are Andy De-

vine, Lionel Stander, Peggy Wood, and others.

Suitable for all. Class A.

### "Outcasts of Poker Flat" with Preston Foster, Jean Muir and Virginia Weidler

(RKO, April 16; time, 67 min.)

Only mild entertainment as Westerns go, for it lacks exciting action. In adapting it from the Bret Harte novel, the producer made many alterations, but to no benefit. The popularity of the novel may attract western fans, but these will undoubtedly be disappointed, for not only is there no fast riding, gun or fist fights, but the picture is overburdened with too much dialogue. Little Virginia Weidler "steals" the picture by her portrayal of a motherless child, who could play a poker game as well as a veteran gambler. Although the scenes showing her at the gambling table are pretty far-fetched they are amusing. The picture has some human appeal in the relationship between Foster and Virginia; the scene that shows them parting touches one. The most exciting situation is that which shows Foster shooting it out with a man who had called him "yellow." The action unfolds in 1850:-

Foster, owner of a gambling and dance hall establishment, decides to keep the baby born to one of his hostesses, who had died at childbirth; he felt that the child had brought him luck. Grown to the age of eight without much discipline or schooling, the child (Virginia) is insolent. When Jean Muir comes to town as the new school teacher, with Van Heflin as the new preacher, things change. Foster falls in love with Miss Muir and asks her to make a lady of Virginia; the child resents going to school and freely speaks her mind. Miss Muir falls in love with Foster and makes him promise to change his way of living, much to the disgust of his partner (Margaret Irving) and his associates. When Foster kills Bradley Page in a gun fight, the righteous people are aroused. They decide to close the dance hall, and to drive Foster and his coworkers out of town. Miss Muir insists on going along with Foster. One of the men steals the horses and supplies, leaving the others helpless. Caught in a snowstorm, they seek shelter in a hut. While one of the men goes for help, Miss Irving dies from exposure. Help arrives in time to save Miss Muir from a similar death. They find Foster's body; he had killed himself so as to save Miss Muir from ruining her life by fol-

lowing him. Heflin comforts Miss Muir.

John Twist and Harry Segall wrote the screen play;
Christy Cabanne directed it, and Robert Sisk produced it.
In the cast are Frank M. Thomas, Si Jenks, Dick Elliott, and others

Morally suitable for all. Suitability, Class A.

### "The Girl from Scotland Yard" with Karen Morley and Robert Baldwin

(Paramount, April 2; time, 60 min.)

A mildly exciting espionage melodrama, of program grade. The plot is rather far-fetched. In the first half, the action is involved and somewhat slow; but it picks up speed after that and ends in a fairly thrilling manner. The romantic interest is of the routine type.

Coningsby Dawson wrote the story, and Doris Anderson and Dore Schary, the screen play: Robert Vignola directed it, and Emanuel Cohen produced it. In the cast are Milli Monti, Katherine Alexander, Lloyd Crane, and others. Morally suitable for all. Class A.

good job they must give unsparingly of their time and energy, even to the neglect of their own businesses. Leaders in the territory hold the key to whether their efforts shall be crowned with success.

"We have already spoken of the necessity of getting in the sales questionnaires. There will not be a full response unless the leaders insist on it. And it is not too early to begin an active campaign to insure large and representative delegations to the convention. Despite a returning prosperity, the exhibitors have never been confronted with so many problems. . . .

"In addition to doing this job (as you always have), there is the matter of keeping the committees informed of your progress. There is nothing more disheartening than to be engaged in elaborate preparations for an event of this kind without knowing how many will come. We recall that two days before the Chicago Convention there were less than — reservations; but on the opening day the hotel could not meet the demand for rooms and actual registrations exceeded —. Let us encourage Pete Wood and Ray Tesch by letting them know early in the campaign that their success has been underwritten by the efforts of the regional leaders.

"Won't you take it upon yourself to see to it that a good job is done in your territory?"

### THE NEW JERSEY THEATRE DIVORCE BILL HAS NO CHANCE

Unless the chances of putting a theatre divorce bill through a state legislature are favorable, the introduction of such a bill does harm rather than good; the bill is killed, and the exhibitors in that state as well as in other states become discouraged.

Some exhibitors, without consulting the Allied States organization of New Jersey, have introduced in the Legislature of the State of New Jersey, through Assemblyman Edison Hedges, of Atlantic County, a theatre divorce bill, but it has as much chance of becoming a law without the support of the Allied organization as has a snowball in Hades.

The following statement was issued last week by Mr. Sidney Samuelson, member of the Exhibitors Defense Committee of Allied, on behalf of W. A. Steffes, Chairman of the Committee:

"In order that there may be no misunderstanding, we deem it fair to state that Assembly Bill No. 507 introduced in the New Jersey Legislature on April 12 is not the Divorcement Bill drafted by experts for Allied, was not submitted to or approved by the Special Defense Committee and was not introduced at the request of the Special Defense Committee or anyone acting for it or for the Allied Theatre Owners of New Jersey.

"While the Committee appreciates the sympathetic interest which many exhibitors and others have taken in the movement to divorce production and distribution from exhibition it can not accept responsibility for measures instigated by others without its knowledge or authority and which deviate in language so as to raise new legal questions which the General Counsel and the Committee's legal experts have not had full opportunity to study. Moreover, the decision to initiate the bill in a particular territory involves consideration of many factors including timeliness."

### **BUYING OF 1937-38 PRODUCTS SLOW**

"Early returns from Allied's buying survey," says an Allied statement issued last week, "indicate that the independent exhibitors are not rushing to sign up at the high rentals being asked for 1937-38 product deals.

"Of 170 theatres scattered from Maine to California and from Minnesota to Texas, only thirteen have contracted for product approximating their requirements for the ensuing year. Fourteen theatres have signed up with one company each, and twenty-three have signed up for two or three companies each. One hundred and twenty of the reporting theatres have bought no product of any kind.

"Twenty-one exchange centers are represented in the reports thus far received and the returns are increasing in volume as distribution proceeds in high-organized Allied territories. A final report including full details will be submitted at Allied's Annual Convention, to be held at the Hotel Pfister, Milwaukee, May 26, 27 and 28, the BUYERS' CONVENTION."

The same tendency seems to prevail in this territory—abstention from buying early, for the exhibitors have found out from experience that, when the season gets well under way, they are able to get a better idea what each producer is going to offer. Consequently they are in a better position to know what it is worth.

It will pay you to come to the Allied States convention. The subject matters that will be discussed will be fully worth your trip and many times more besides. I'll be there!

## GYPSY ROSE LEE AND THE INDEPENDENT EXHIBITORS

No! The exhibitors had nothing to do with the hiring of Gypsy Rose Lee to appear in pictures!

What has prompted Mr. Zanuck to engage her is, not her acting ability, not even her looks, but merely the sordid fact that she has gained notoriety by her having appeared on the stage in the nude (in dim light). This fact will, Mr. Zanuck no doubt believes, make her pictures draw.

The first picture Mr. Zanuck will put her in will, for sure, present the character as being a model of rectitude. But this will not prevent the reformers from assailing the screen, for their objection will be centered, not on the picture, but on the player's past conduct. And there are going to be plenty of fire works.

Will Ex-Governor Milliken, public relations man de luxe of the Hays association, issue another pamphlet accusing the exhibitors of wanting this type of players, preferring them to the "socially desirable" pictures of his?

Of course the Hays association has been and still is, as I understand, opposed strenuously to giving Gypsy Rose Lee a part in a picture. But if Mr. Zanuck is determined to put her into one on the ground that the picture will be altogether free from objectionable features he will put her in regardless of the objections of Mr. Hays. I am only mentioning that the exhibitors have had nothing to do with this matter—just to keep the records straight.

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### 1270 SIXTH AVENUE Room 1812 New York, N. Y.

A Motion Picture Reviewing Service Devoted Chiefly to the Interests of the Exhibitors

Its Editorial Policy: No Problem Too Big for Its Editorial Columns, if It is to Benefit the Exhibitor.

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### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XIX

SATURDAY, MAY 8, 1937

No. 19

## THE CASE OF ADMITTING OF OUTSIDERS TO ARMY THEATRES

In the issue of April 17 I discussed the case of an exhibitor who has an Army Post theatre as a competitor. He complained that the Army theatre admits outsiders at reduced prices of admission.

Since then I have received reliable assurance to the effect that, according to the ruling of the War Department, in all cases outsiders are charged the highest admission prices, or even higher, than those charged by any of the theatres in or around the Army Posts. The War Department forbids deviation from these regulations.

On this question, Mr. S. D. Kane, Executive Secretary of Allied Theatre Owners of the Northwest, has written me as follows:

"With reference to your article in the issue of April 17, concerning competition from Army Posts, I can inform you that a similar condition exists right here in Minneapolis, where the theatre conducted by the U. S. Army Motion Pictures serves in competition with several exhibitors.

"On my complaint, a representative of the army was extremely polite and courteous in presenting his regrets but extremely firm in pointing out that army regulations permit admission to civilians providing they pay an admission as high as, or even higher than, that charged by theatres in the same natural trade zone.

"He was impervious to my suggestion that this was extremely unfair competition in any event because of spot-booking privileges they have.

"I was informed by him, however, that the army regulations permitted this practice and that their film contracts were purchased on this basis, and I find that it would undoubtedly take an act of Congress to change the regulations to conform with the most lax of fair trade principles or with the principle that a taxpayer should not face competition from the Army, which is supported by the tax payers."

It is my belief that an Act of Congress is not necessary to induce the Army theatres to abandon the present practice, but merely an order of the War Department. And such an order may be obtained if Allied States made the proper representations to the Secretary of War.

### AN EFFECTIVE CITY ORDINANCE

In the issue of Harrison's Reports of May 16, 1936, 1 published a proposed ordinance prescribing the conditions under which new theatres might be erected so as to afford some measure of protection, particularly in small towns.

It seems as if a copy of that issue came to the attention of the City Council of the City of Win-

chester, Kentucky, and the Council had an ordinance drafted on that pattern, which it adopted on February 19, of this year. The complete ordinance is as follows:

AN ORDINANCE REGULATING THE OPERATION OF MOTION PICTURE THEATRES AND OTHER SIMILAR PLACES OF PUBLIC ENTERTAINMENT WITHIN THE CITY OF WINCHESTER (KY.)

BE IT ORDAINED by the Board of Commissioners of the City of Winchester in regular session assembled:

- 1. It shall be unlawful to conduct or operate within the City of Winchester any motion picture theatre, theatre, opera house, or other similar place of public entertainment, without having first obtained a license therefor and paid the tax required under such occupational ordinance or ordinances as may be in effect in said city.
- 2. No license for a motion picture theatre shall be issued for any building or other enclosure:
  - (a) Which is occupied as a tenement house, hotel, lodging house or residence.
  - (b) Where paints, varnishes, lacquers or other highly inflammable materials are manufactured, stored or kept for sale.
  - (c) Where rosin, turpentine, hemp, cotton or any other explosives are stored or kept for sale.
  - (d) Which is situated within 300 feet of the nearest wall of a building occupied as a school, hospital, garage, theatre, motion picture theatre or other place of public amusement or assembly, or which is within 300 feet of any gasoline supply or service station; provided, however, that renewals of licenses may be granted where the motion picture theatre in question was in operation prior to the opening of such school, hospital, garage, theatre, motion picture theatre or other place of public amusement or assembly, or of such gasoline supply or service station, or has been in continuous operation under a license issued therefor prior to January 1, 1937.
- 3. It shall be the further duty of all motion picture theatres and houses of amusement to provide adequate "stand-by" or auxiliary lighting equipment capable of supplying ample illumination for lighting said theatres or houses of amusement to the extent to prevent excitement or hysteria as a result of failure of the regular lighting system, said auxiliary lighting equipment being put into use immediately upon the failure of the regular lighting

### "Cafe Metropole" with Loretta Young, Tyrone Power and Adolphe Menjou

(20th Century-Fox, May 7; time, 83 min.)

A fair comedy. The story is trite, and at times the action extremely slow. But it undoubtedly will draw fairly well because of the popularity of the team of Loretta Young and Tyrone Power, who again display their ability at light comedy and romance. The settings are lavish, particularly those in the night club sequences and at the gambling casino. As for the women, there is the added attraction of Miss Young's gowns. The only fault with this picture is the story; it lacks novelty, and at no time does it hold one in tense suspense, as one knows just what is going to happen. It will have to depend on the popularity of the two stars to attract the crowds:—

Adolphe Menjou, head waiter at an expensive Parisian cafe, is desperately in need of money to replace the 900,000 francs he had taken from the cafe receipts. Deciding to try his luck at the gaming tables, he plays opposite Power and wins. Power writes a check for 480,000 francs, but then confesses that it is a "rubber" check. Menjou tells him that the only way to keep out of jail was to follow his bidding. His scheme was to introduce him as a Russian prince to Miss Young, daughter of a millionaire American, with the hope that he would marry her, get a large dowry, and then pay the debt. But complications arise; Power falls in love with Miss Young and dislikes deceiving her. To add to his troubles, the legitimate prince (Gregory Ratoff), who was working as a waiter at the cafe, demands that he refrain from using his name. Menjou silences Ratoff with money, and then conceives a scheme to get the money he needs; he tells Miss Young's father (Charles Winninger) that Power was an imposter, and that he had taken a million francs from him. Winninger, thankful to Menjou for giving him information that would save his daughter from a disastrous marriage, gives him the million. But the daughter refuses to listen to reason and insists on marrying Power. Eventually everything is explained. Menjou is permitted to keep the million francs in return for the bad check Power had given him. Power and Miss Young are happy and look forward to marriage.

Gregory Ratoff wrote the story, and Jacques Deval, the screen play; Edward H. Griffith directed it, and Nunnally Johnson produced it. In the cast are Helen Westley, Ferdinand Gottschalk, Christian Rub, and others. Suitable for all. Class A.

### "Navy Blues" with Dick Purcell, Mary Brian and Warren Hymer

(Republic, April 19; time, 68 min.)

Fair entertainment; it should give satisfaction where audiences are not too exacting in their demands. The comedy, most of which is provoked by Warren Hymer, as a nit-wit sailor, is quite good; he is particularly funny in one scene where, in a discussion with a professor about algebra, he makes silly remarks, for he didn't know a thing about the subject. The espionage part of the story is not to be taken seriously; it is merely used as a framework for the wisecracks and practical jokes four sailor pals

play on each other :-Dick Purcell, a boastful sailor, had been winning so many bets from his pals that they decide to teach him a lesson. One of the sailors (Joseph Sawyer), remembering a homely librarian (Mary Brian) he had seen, bets Purcell that he could not take her out; he felt certain that when Purcell saw the girl he would not want to go out with her. But Purcell decides to go through with the bet; he takes Miss Brian out and notices that she was pretty. Suggesting that she curl her hair and dress differently, he is pleasantly surprised at the results. But her aunt (Lucille Gleason), disliking sailors, urges her to marry the studious man of her choice. Purcell, through an accident, becomes involved with spies and finds that his rival was connected with the ring. By a ruse, he is able to signal to his ship for help. In company with his three pals, he rushes to the airport where an important official was to arrive, and prevents the spies from killing him. With the help of the police he captures them. Miss Brian is proud of Purcell, especially when he wins a promotion. She forgives him for all the lies he had told her about his position in the Navy.

Gordon Kahn and Eric Taylor wrote the original screen play; Ralph Staub directed it, and Burt Kelly produced it. In the cast are Edward Woods, Horace McMann, and

Suitable for all. Suitability, Class A.

### "Thunder in the City" with Edward G. Robinson

(Atlantic Film-Columbia, April 25; time, 86 min.)

Fair! Although British-made, it is acceptable for American audiences, first, because of Edward G. Robinson, and, secondly, because the story is not typically British. It is amusing in spots, mainly because of Robinson's breezy performance: he takes the part of an American go-getter, who learns that British dignity in business is just as effective as American ballyhoo. The action is extremely farfetched: when it is treated in a comedy vein, it is not objectionable; it is when the story becomes serious that it becomes unbelievable. The romance is pleasant, although Robinson is not exactly the romantic type:-

Robinson is discharged because of the ballyhoo methods he employed to advertise the product of the American auto-mobile concern for which he worked. He decides to visit relatives in England. Through them, he becomes acquainted with a Duke (Nigel Bruce), his wife (Constance Collier), and their daughter (Luli Deste). He falls in love with the daughter at first sight and admires her frankness when she tells him that she was going to marry a banker, (Ralph Richardson), because of his money. Robinson, upon learning that Richardson was interested in buying Bruce's interest in a "magnalite" mine, persuades Bruce to sell it to him instead. When the times comes to pay for the concession he admits that he had no money, but suggests that they sell stock to the public. His idea meets with approval, and more than a million pounds of stock are sold. But Robinson meets with disappointment; he finds that Richardson had acquired the patent for the processing of "magnalite" and that the only way he could save the company from bankruptcy and insure good returns for the stockholders was to turn his share in the company over to Richardson. He does this and prepares to leave the country. When he arrives at the airport he finds a delegation of stockholders who cheer him and insist that he remain with them. His joy is complete when Miss Desti confesses that she loved him and that she wanted to marry him.

Robert Sherwood, Aben Kandel, and Akos Tolnay wrote the screen play; Marion Gering directed it, and Alexander Esway produced it. In the cast are Annie Esmond, Arthur Wontner, Cyril Raymond, and others.

Morally suitable for all. Suitability, Class A.

### "As Good as Married" with John Boles, Doris Nolan and Walter Pidgeon

(Universal, May 9; time, 80 min.)

A light but entertaining sophisticated comedy. From a technical standpoint—that is, settings, lighting, and photography-it is outstanding; audiences may forget the occasional dull spots in their admiration of the lavish sets. John Boles, Doris Nolan, and Walter Pidgeon handle their parts expertly, looking and acting the part of sophisticated, intelligent persons. The romance between Boles and Miss Nolan has been handled with discretion; at no time does it become vulgar or suggestive. Although the outcome is quite obvious, the spectator's attention is held because of the amusing way in which the action is developed:-

Miss Nolan, secretary to Boles, an extremely wealthy and successful architect, is in love with him, but he is unaware of it. Boles is told by a philandering friend of his (Alan Mowbray) that, if he were married, not only would he save money on his income tax, but he could have love affairs without the fear of being sued for breach of promise. He makes Miss Nolan a business proposition-to marry him in name only, agreeing to increase her salary \$100 a week. She accepts the proposal, hoping that in time he would actually notice her. They marry but continue their relationship only on a business basis. Not until he notices that Pidgeon, a charming young architect, was in love with Miss Nolan, does Boles realize that she is attractive. He becomes jealous of Pidgeon's attentions to her. Miss Nolan, disgusted with the whole set-up, runs away. Boles finds her and confesses his love for her; there is a joyful reunion.

Norman Krasna wrote the story, and F. Hugh Herbert and Lynn Starling, the screen play; Eddie Buzzell directed it, and E. M. Asher produced it. In the cast are Tala Birell, Katharine Alexander, Mary Philips, and others.

Hardly suitable for children or adolescents; good for adults, Class B.

### "The Good Old Soak" with Wallace Beery, Una Merkel and Ted Healy

(MGM, April 23; time, 76 min,)

Where Wallace Beery is liked, this should go over fairly well, for it is the type of story that suits his talents. It is a homespun comedy-drama, with Beery taking the part of a lovable but slightly irresponsible person, whose greatest fault was that he drank too much. Universal produced this in 1926, under the title "The Old Soak"; but several changes have been made in this version. For one thing, the drinking by the hero has been emphasized; for another, the part of the young chorus girl with whom the hero's son had fallen in love has little significance. The actions of Beery, as the hero, are laugh-provoking, particularly when he is under the influence of liquor. The situation in which he, his bootlegger (Ted Healy), and the housemaid (Una Merkel), test a new liquor, brewed by Healy, is one of the most amusing. One feels sympathy for Beery when his wife (Janet Beecher) accuses him of having stolen stocks belonging to her, which really had been stolen by their son (Eric Linden), particularly when he, in order to save her the sorrow of knowing the truth, permits her to remain under that impression. The son wanted the money to enable him to buy a fur coat for a chorus girl, with whom he had become infatuated. In the exciting closing scenes, Beery proves his courage by demanding that his scheming cousin, who had induced Linden to steal the stock and sell it to him, turn over to Miss Beecher the profit that he had made on the sale of the stock. Miss Beecher is overcome with remorse when she realizes that she had misjudged Beery. She pleads with him to forgive her and to continue living in the easygoing manner to which he was accustomed.

Betty Furness and James Bush handle the romantic interest, which has little bearing on the plot.

The plot was adapted from the play by Don Marquis. A. E. Thomas wrote the screen play, J. Walter Ruben directed it, and Harry Rapf produced it. In the cast are Judith Barrett, George Sidney, Robert McWade, Margaret Hamilton, and others.

The stealing and drinking makes it unsuitable for children and adolescents. Harmless for adults. Class B.

### "That I May Live" with Rochelle Hudson, Robert Kent and J. Edward Bromberg

(20th Century-Fox, April 30; time, 70 min.)

An average program melodrama. It has some human appeal and comedy, and a fairly exciting ending. But it is extremely far-fetched at times, particularly as to the methods employed to trick the crooks into confessing. One feels sympathy for Kent, who tries to go straight after one slip and a jail sentence, and also for his wife (Rochelle Hudson), who is willing to stick by him, risking her life to clear his name. J. Edward Bromberg portrays a pleasant character, one for whom the spectator has respect because of his efforts to help the young couple. He provokes laughs by his excitable nature:-

In the development of the plot, Kent, upon his release from prison, is met by his former pals in crime. At the oint of a gun, they force him to join them in a robbery. When the police close in on them, one of the crooks shoots a policeman, knocks Kent unconscious, puts the gun in his hands and then runs away. Kent is naturally arrested; but he escapes. Hungry, he tries to hold up Miss Hudson, a waitress in a lunch wagon. She calms him down, offers him food, and then obtains a job for him. They fall in love. Her employer resents Kent's presence, and after a quarrel he discharges them both. They decide to hitchhike and are picked up by Bromberg, who takes a fancy to them; he insists that they marry and even pays for the license and ceremony. In a short time he makes them his partners. After the baby is born Bromberg accidentally finds out that Kent was wanted by the police. After hearing the story hc insists that Kent give himself up. Together with Miss Hudson he executes a plan whereby the criminals are rounded up and forced to confess. Kent is cleared. The happy couple and Bromberg are overjoyed.

Ben Markson and William Consclman wrote the original screen play; Allan Dwan directed it, and Sol M. Wurtzel produced it. In the cast are Jack LaRue, Frank Conroy, DeWitt Jennings, and others.

The robbery makes it unsitable for children. Adult entertainment. Class B.

### "The Prince and the Pauper" with the Mauch Twins, Errol Flynn and Claude Rains (First Nat'l., May 8; time, 2 hours)

An excellent costume picture. The production is artistic. and the performances outstanding. Most important, however, is the timeliness of the subject, for it deals with the court of England, and the coronation of a king. Although the action takes place in the days of Henry the Eighth, the routine of the coronation ceremonies is probably the same today. For this reason, spectators will be very much interested in these ceremonies, which have been photographed in all the splendor accompanying such proceedings. Despite its lack of a love story, it should entertain; it holds one's attention to the end, for it has human appeal and comedy. The work of the Mauch twins, playing the parts of the prince and the pauper respectively, is very good; each acts his part with keen understanding. Errol Flynn's part—that of the happy-go-lucky adventurous soldier, is secondary, but when he does appear he makes a good impression. The scenes that show him rescuing the young king from death at the hands of plotters are highly exciting.

The story deals with two young boys, one the prince, and the other the pauper. When the pauper is found asleep in the king's garden, Alan Hale, Captain of the Guards, proceeds to punish him. The prince rescues the boy and takes him to his private rooms. There they play and have a merry time. As a joke, they decide to change clothes. When the prince, dressed in the pauper's clothes, runs into the garden to look for his dog, Hale mistakes him for the pauper and throws him out, paying no attention to the boy's declaration that he was the prince. The pauper looked so much like the prince, that he was thought to be the prince. When he insists that he is just a pauper, the whole court, including the king, believe that the poor prince had lost his mind. In the meantime, the prince, who wanders around, is picked up by the pauper's brutal father, and is mistreated. He is rescued by Errol Flynn, who is amused at the boy's insistence that he is the prince. The king dies, and Claude Rains, the most despotic of the lords, proceeds to have the pauper crowned a king, even though by this time he knew that the pauper was not the real prince. But in order to prevent discovery, he orders Hale to set out to find the real prince and to kill him. Flynn overhears the plot and saves the prince. He rushes him to the palace, in time to stop the coronation ceremonies so that the real king might be crowned. The pauper is happy that the prince had returned, for he was bored with the position of king. The new king keeps the pauper boy by his side as his most intimate friend. Flynn refuses offers of wealth and position from the king; he desired to remain carefree.

The plot was based on the story by Mark Twain. The late Laird Doyle wrote the screen play; William Keighley directed it, and Robert Lord produced it. In the cast are Henry Stephenson, Barton MacLane, Eric Portman, Montagu Love, Fritz Leiber, and others.

Suitable for all. Class A.

### "The Gold Racket" with Conrad Nagel and Eleanor Hunt

(Grand Nat'l, April 10; time, 65 min.)

This is no better than the two previous pictures in the G-Men melodrama series in which Nagel and Miss Hunt have starred. As in the others, the sets are extremely cheaplooking; as a matter of fact the whole thing gives the appearance of having been kept within a very limited budget. It should serve its purpose as a second feature. The closing scenes, although far-fetched, offer some excite-

Nagel and Miss Hunt, two federal officers, are assigned to track down the gang responsible for smuggling gold across the Mexican border and selling it to the United States Government profitably. They go to Mexico, where Miss Hunt, to get information from a certain aviator connected with the gang, poses as a cafe entertainer, pre-tending not to know Nagel. She finds no difficulty in at-tracting the aviator's attention, and gains important information. When Nagel's identity becomes known to the gang, they trap Miss Hunt in his hideout and decide to kill her. But Nagel, together with other G-Men, arrives in time to save Miss Hunt and round up the gang.

Howard Higgin wrote the story, and David Levy, the screen play; Louis Gasnier directed it and Charles F. Hunt produced it. In the cast arc Fuzzy Knight, Frank Milan, Charles Delancy, and others.

Suitable for all, Suitability, Class A.

equipment, and it shall be unlawful to leave said theatre or house of amusement in darkness for more than thirty seconds at any one time.

- 4. Any person, firm or corporation found guilty of violating this ordinance shall be subject to a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for such offense, and each day the same is violated shall constitute a separate offense.
- 5. This ordinance shall take effect upon its final passage and publication as required by law.
- 6. Introduced this February 12, 1937, remained on file one week in its completed form for public inspection, passed and adopted on the 19th day of February, 1937, and then published in The Winchester Sun.

D. B. Scobee, Mayor.

Attest:

LINDSEY FAULKNER, City Clerk.

\* \* \*

Harrison's Reports suggests that you read carefully this ordinance as well as the proposed ordinance that was published in the May 16, 1936, issue.

This is one service of the many services Harrison's Reports renders to its subscribers.

If you have any exhibitor friends who are not subscribers, recommend to them that they subscribe at once, so that they might receive all these benefits.

## THE TALK ABOUT RETURNING THE PARAMOUNT MEDALLIONS

Judging by the number of commentatorial letters this office has received, the exhibitors everywhere are wrought up against Paramount for its withholding several choice pictures from the 1936-37 season, placing them in the 1937-38 season's group. They condemn this latest injustice in no uncertain terms.

Some of the writers have expressed their determination to return to Mr. Zukor the silver medallions they have received in commemoration of the 25th Anniversary of this company. Every one of you is, I am sure, familiar with the fact that this year is Paramount's 25th Anniversary and its home office, in order to commemorate the event, has struck out silver medallions, which it has sent to all those exhibitors who have been playing Paramount pictures. These are the medallions they have mentioned about returning.

One of these exhibitors has sent me a draft of a letter, to be sent to Mr. Zukor by every silver-medallion holder, and wants me to publish it in Harrison's Reports, and to urge every exhibitor to follow his lead. Here is the letter:

"Mr. Adolph Zukor

"Dear Mr. Zukor:

"I am returning the silver medallion you have sent me as an exhibitor of Paramount pictures, for the reason that, if I were to keep it, I would by my act be sanctioning one of the unfairest trade practices Paramount has ever been known to have practiced.

"Paramount has grown strong on a basis of fair dealing. That is how it has had my good will and

the good will of thousands of others like me. But Paramount now is destroying that good will you built up by resorting to practices that do not come under the heading of 'fair play.' Your company is keeping 1936-37 pictures that belong to me.

"This withholding of pictures that belong to the holders of 1936-37 season's contracts is most flagrant in the case of the Gary Cooper picture, the last your company will produce by reason of the fact that Mr. Cooper is no longer under contract to Paramount.

"Please take back your medallion and count meas one of those whose good will Paramount has lost.

"Very truly yours,

"(Signed)....."

### THE UNWISDOM OF AIDING "DRIVES"

"When a slave owner wanted to get the maximum of physical effort from his slaves," says an article in *Contact*, the official organ of the Philadelphia zone exhibitor organization, "he would drive them. So it is with the film companies. Drives for various reasons; for various individuals; for various prizes; for various other things other than benefits to the exhibitors have been inaugurated. These drives do the exhibitors no good. They injure the industry generally, they disrupt the exhibitors' booking set-up, and they are never appreciated by the film exchanges.

"This organization is unalterably opposed to drives of any nature, and by any film company. Members are called upon to cooperate with the organization in absolutely refusing, under any circumstances, to participate in any of the said drives.

"Many exhibitors permit their personal feelings for managers, salesmen and others to overcome their better judgment and fall for the bunk of drives. As pointed out by *Contact*, the gratitude of the film companies is best illustrated by the situation now exhibited by Paramount in juggling its 1936-37 promises."

The *Contact* article then brings forward another example of ingratitude by citing the case of Columbia, which has created in Bridgeport, Pennsylvania, a non-theatrical account, as stated in a recent issue of Harrison's Reports, which account it is still serving, despite the organization's vehement protest; the article concludes by suggesting that its members refrain from supporting these Drives.

There is much sense in what the *Contact* article says about Drives.

Yet the exhibitor is most of the times helpless: he knows that he can expect no favors by co-operating in the Drive, but much harm may be done to him if he should refuse to co-operate.

One way to extricate the exhibitor from the embarrassing position he finds himself in is for Allied States to appoint a national committee to grant approvals on all such Drives.

Will some Allied States executive prepare a resolution to that effect, for introduction at the Milwaukee convention?

### HARRISON'S REPORTS IN NEW HOME

Harrison's Reports is now established in its new home, at 1270 Sixth Avenue, Room 1812.

The new telephone number is CIrcle 7-4622. You will always find it in the title on the first page.

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<sup>&</sup>quot;5451 Marathon Street

<sup>&</sup>quot;Hollywood, Cal.

# HARRISON'S REPORTS

Yearly Subscription Rates:

### 1270 SIXTH AVENUE Room 1812 New York, N. Y.

A Motion Picture Reviewing Service Devoted Chiefly to the Interests of the Exhibitors

Its Editorial Policy: No Problem Too Big for Its Editorial Columns, if It is to Benefit the Exhibitor. Published Weekly by Harrison's Reports, Inc., Publisher

P. S. HARRISON, Editor

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### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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SATURDAY, MAY 15, 1937

No. 20

### ABOUT MOTION PICTURE DAILY'S ARTICLE ON DEAN SMITH AND ALLIED

The May 3 issue of Motion Picture Daily published an article to the effect that the name of Young B, Smith, Dean of the Law School of Columbia University, was used by Allied States Association in connection with the North Dakota Theatre Divorce measure, and Dean Smith was incensed at the "unauthorized use" of his name.

Mr. Abram F. Myers, General Counsel and Chairman of the Board of Directors of Allied States Association, thus wrote to Mr. Maurice Kann, editor of *Motion Picture* Daily:

"Dear Mr. Kann:

"Referring to the story in your issue for May 3 headed 'Columbia Dean Denies Acting on Allied Law,' would you mind giving me a citation to the 'recently printed assertions that the dean of the School of Law of Columbia University had ''declared'' that Allied States' theatre divorce legislation should be upheld by the Supreme Court'?

"I don't believe anyone ever made that statement and if it found its way into print it must have been the embellishment of some trade paper reporter.

"The facts regarding the matter have been made clear and, I think, are known to your publication. Professor Noel T. Dowling, of Columbia Law School, a recognized authority on legislative drafting and constitutional law, drew the divorcement bill and supplied a memorandum of law in support thereof. Having seen numerous claims in the trade press that the bill is unconstitutional, I sent the editor of the Motion Picture Herald a copy of the Dowling memorandum suggesting that it would be fair to give both sides of the argument. My letter was not acknowledged and, as was to be expected, no mention was made of the memorandum. I recognize that you are not the editor of the Herald, but since the Herald and the Daily are both Quigley publications I strongly suspect that your staff was aware of the facts when it wrote the above story.

"Moreover, Harrison's Reports has carried excerpts from the memorandum by Professor Dowling and this can not have escaped the attention of your staff.

"Had there been an honest doubt as to the facts, the proper course would have been to inquire of Allied before writing the story in question.

"In order that there may be no possibility of further misunderstanding, I enclose a copy of the Dowling memorandum and request that you set the matter straight in the next issue of the Motion Picture Daily.

"Also, I would be glad if you would cite an instance of the use of the memorandum in question by any person connected with Allied States Association in connection with the raising of funds for the Special Defense Committee.

"I have always believed and often said that you are inclined to be fair even though the policy of your paper is necessarily opposed to the measures which exhibitors have been compelled to adopt in order to protect their businesses and investments against the depredations of the motion picture trust. I hope you will not disillusion me in the present case."

In the editorial "One Way to Assure the Passage of a Theatre Divorce Bill in Your State," which appeared in the March 27 issue of Harrison's Reports, there was said: "Legal minds such as the Dean of the Law School of Columbia University, have declared that the Bill is con-

stitutional and should be upheld by the U. S. Supreme Court...." I closed the article with an appeal to the exhibitors for funds to carry on the fight.

It is evident that the person who wrote the article in question in *Motion Picture Daily* (Red Kann was out of the city at that time and still is) based his action on that article, which I wrote before Allied States had given out copies of Prof. Dowling's opinion on the theatre divorce measure, and could have easily made that simple mistake.

Notice, however, that, in the issue of April 24, I corrected that error in the editorial "Theatre Divorce Bill Slows Up Affiliated Theatre Expansion," by saying the following:

"In regards to the belief of producer lawyers that the North Dakota law is unconstitutional, allow me to say that Nocl T. Dowling, Professor of Constitutional Law at Columbia University, feels differently." I followed this statement by printing excerpts from his opinion.

Now, the item in question appeared in the May 3 issue of Motion Picture Daily; and since the April 24 issue of HARRISON'S REPORTS, in which the correct facts were given, was in the hands of the writer of the Motion Picture Daily article on the morning of April 22 (it was mailed April 21), it is evident that he was short of material to fill his paper and was not so careful about his facts.

But why should he have blamed the Allied States executives for a statement that was not made by them?

Mr. Myers' letter was no doubt in the office of *Motion Picture Daily* on the morning of May 5; a correction should, therefore, have appeared in the issue of May 6. This is May 10 and no reference has been made to that letter.

Is it so tough for the writer of that news item to admit publicly that he was wrong?

### AN ARGUMENT IN FAVOR OF BLOCK BOOKING FURNISHED BY A PRODUCER

"Night Must Fall." the Metro-Goldwyn-Mayer picture, is a piece of art. So far as acting is concerned, it is a credit to the motion picture industry.

Its theme, however, is such as to make it repulsive to many picture-goers; and many of the children and adolescents who will see it will not be able to sleep for many days afterwards. In some of the situations, it is too horrible in its realism. (Read the review in this issue.)

Offered to the exhibitors as an extra release, it would be fine, for it would then be booked only by those exhibitors whose clientele go for this sort of pictures.

But many exhibitors do not want to show such a picture; they know their audiences and feel that their businesses will be hurt by showing this nerve-shattering picture. And yet it has been placed on the general release list, compelling every one of them to show it, or to pay for it even if they would not show it.

"Night Must Fall" offers the best argument why the Necly-Pettengill Bill should become the law of the land. If your Congressman has not yet been won over to our side, induce your local Parent-Teachers' Association to invite him to view it; he would then be convinced what a blessing he would confer upon the people of this country if he were to yote for this Bill.

Incidentally, this picture is the best argument against the Hays' Association's pamphlet "The Truth About Block Booking" and against other similar propaganda.

### "Way Out West" with Stan Laurel and Oliver Hardy

(MGM, April 16; time, 64 min.)

Moderately entertaining program fare, suitable mostly for the Laurel and Hardy fans. It is a slapstick comedy, filled with gags both old and new, held together by a thin story. Some of the gags are coinical and others just silly. One of the most amusing situations is that which shows Laurel and Hardy attempting to enter a locked house without disturbing its occupants. One gag that was greeted with howls of laughter by the audience at the Rialto Theatre, in New York, each time it was used, is that which shows Hardy suddenly stepping into a deep spot, while serenely crossing a stream, and disappearing from sight. The comedians add to their accomplishments by singing and dancing.

In the development of the plot, Laurel and Hardy find that they had been duped into delivering to the wrong person a deed to a gold mine that belonged to Rosina Lawrence. They are determined to get the deed back and give it to Miss Lawrence. Their efforts lead them into trouble. Finally they recover the deed and deliver it to the

rightful owner.

Jack Jevne and Charles Rogers wrote the story, and Charles Rogers, James Parrot, and Felix Adler, the screen play; James W. Horne directed it and Stan Laurel produced it. In the cast are Sharon Lynne, James Finlayson, and others.

Suitable for all. Class A.

### "Criminals of the Air" with Rosalind Keith and Charles Quigley

(Columbia, April 30; time, 60 min.)

A fair program melodrama. In spite of the fact that the story is far-fetched, it holds one's attention fairly well, for the action is fast. Most of the exciting situations occur in the second half, where the hero, a secret service agent, becomes involved with a gang of smugglers who are, for a time, unaware of his identity. It is when they find out who he is that one is held in suspense. The romance is developed in the routine manner

Charles Quigley, a secret service agent, takes a job as a commercial pilot in an effort to trace a gang of smugglers. His suspicions are aroused by the actions of a group of men who frequently appeared at a cafe where Quigley would stop while waiting for his passengers. He becomes acquainted with the cafe owner, and everything goes smoothly until he is recognized by one of the men. Miss Keith, a newspaper reporter, not knowing of Quigley's work, suspects him of being a smuggler and trails him for a good story. One of the gangsters enters Quigley's plane and forces him to land at a deserted spot, where he is held a prisoner. Miss Keith, who had been hiding in the plane, realizing what was happening, helps Quigley escape. The gang are spotted in the hideout by means of photographs Quigley had taken and are rounded up. Quigley and Miss Keith, having by that time fallen in love with each other, decide to marry.

Jack Cooper wrote the story, and Owen Francis, the screen play; C. C. Coleman, Jr., directed it, and Wallace MacDonald produced it. In the cast are Rita Hayworth,

John Gallaudet, Marc Lawrance, and others. Suitable for all. Class A.

"California Straight Ahead" with John Wayne

(Universal, May 2; running time, 67 min.) A fair program melodrama of a hero who tries to beat railroads in the transportation of goods, because they, employing racketeers, were unfair to his employers. He had convinced his employers that, if the railroads were unfair, he could undertake to haul their freight directly to the coast by means of trucks. In one of the situations, a human being (brother of the heroine) is shown blown to pieces by the explosion of a truckful of nitroglycerine—the villain, a gangster, had removed the "detour" sign from a road under construction and had placed it over the good road, thus sending the young man with his truck over the bad road. A flash and an explosin occur, and the young man is blown to pieces. This may prove a little too strong for weak stomachs. The long row of trucks struggling over the hills and on an even road offer some melodramatic excitement.

The story is by Herman Boxer; the screen play by Scott Darling. It was directed by Arthur Lunin, under the supervision of Paul Malvern. It is a Trem Carr production. Some of those in the cast are Louise Latimer, Robert McWade, Theodore von Eltz and Tully Marshall.

Suitability, Class B.

### "King of Gamblers" with Akim Tamiroff, Claire Trevor and Lloyd Nolan

(Paramount, April 23; time, 77 min.)

A fair but somewhat sordid gangster melodrama. It is pretty brutal in spots, owing to the ruthlessness of the gangster leader, who cold-bloodedly kills every one standing in his way. The excitement is brought about by the fact that not until the end do the hero and the heroine suspect the villain of being the gangster leader; because of their ignorance they become involved in compromising and dangerous situations. The action builds up to a thrilling climax; there the hero is trapped by the villain, who planned to kill him. One is in sympathy with the hero and, for the most part, also for the heroine. The only objectionable act on the heroine's part is the fact that she accepts from the villain money and a luxurious apartment; but there is nothing morally wrong in her actions, for her affair with him is kept on a platonic basis:-

Nolan, a newspaper reporter, having been thrown over by his sweetheart, goes to an expensive night club and gets drunk. When he becomes noisy, he is knocked out by a bouncer. Miss Trevor, a singer at the club, feeling sorry for him, takes him to her apartment. The following morning he expresses his gratitude and promises to call on her after his return from a trip to cover a big story. In the meantime, Tamiroff, gangster leader, who posed as a legitimate business man, induces Miss Trevor to give up her position and live in an apartment he had furnished for her. His motive was to give her a taste of luxurious living, with the hope of inducing her to marry him. Nolan returns and is given orders to cover the activities of a gang of racketeers responsible for the death of many persons, including Miss Trevor's intimate friend. His investigations lead him to Tamiroff. Miss Trevor, upon finding out what Tamiroff's business really was, and knowing that Nolan had gone to his office, becomes frantic; she rushes to the police for help. They arrive in time to save Nolan. Tamiroff, while trying to escape in his private elevator, is killed by falling down the elevator shaft, just as he had killed others. Nolan and Miss Trevor are united.

Tiffany Thayer wrote the story, and Doris Anderson, the screen play Robert Florey directed it. In the cast are Larry Crabbe, Helen Burgess, Porter Hall, Harvey Ste-

phens, and others.

Unsuitable for children or adolescents. Adult fare. Class

### "Great Hospital Mystery" with Jane Darwell, Sally Blane and Thomas Beck

(20th Century-Fox, May 14; time, 58 min.)

formula murder-mystery melodrama, of program grade. The comedy antics of Joan Davis, as a probationary nurse, makes it slightly better than average fare; she provokes hearty laughter in each scene in which she appears. Since several persons are suspected of the crime and the murderer's identity is not divulged until the end, one is kept pretty well mystified throughout. The story is at times illogical; but this fact will probably be overlooked by the followers of the eerie-mystifying type of entertainment. The love interest is subdued and has no bearing on the plot. All the action takes place in a hospital:

George Walcott becomes innocently involved in a bank holdup and is a witness to a murder committed by the gang. He escapes, but realizes that the gangsters will try to kill him. Because he was out on parole, he does not appeal to the police for protection, lest they associate him with the gang. He begs his sister (Sally Blane), a nurse at a large hospital, and his best friend (Howard Phillips), an interne at the same hospital, to help him. They devise a scheme to make it appear as if Walcott had died, substituting the body of a dead person for the burial; in that way they hoped to throw the gangsters off his track. But strange things happen: somebody shoots at the body put in Walcott's bed. This naturally brings the police to the hospital. Later Phillips is found murdered. Jane Darwell head nurse, finally solves the mystery; it turns out that the murderer was a patient, member of the gang, who had pretended to be ill and in that way had gained admittance to the hospital. He is caught just as he was attempting to kill Walcott. Miss Blane is happy that everything is cleared so that her doctor-sweetheart (Thomas Beck) would have no doubts about her.

Mignon Eberhardt wrote the story, and Bess Meredyth, William Conselman, and Jerry Cady, the screen play; James Tinling directed it and John Stone produced it. In the cast are Sig Rumann, William Demarest, and others.

Not for children. Harmless for adults. Class B.

### "You Can't Buy Luck" with Onslow Stevens and Helen Mack

(RKO, May 7; time, 60 min.)

Mild program entertainment. The action is hardly exciting enough to hold one's attention, for the plot is thin and far-fetched. It is only because of good performances that some semblance of plausibility surrounds the acts of the hero and the heroine; it is to their credit that one remains interested at all. The closing scenes arc fairly exciting; there the hero traps the villain into confessing his guilt. The story lacks human appeal, for no one does anything to awaken sympathy:

Onslow Stevens, a superstitious gambler, pays Maxine Jennings large sums of money just to remain friendly with him, for he felt that she brought him luck. While on his way to the Kentucky Derby, Stevens stops off with his sister at an orphan asylum; the children and their teacher (Helen Mack) show resentment when he expresses a wish for rain at the race the next day. It does rain, but his horse loses. He believes that the reason he had lost had been because the children disliked him. So he gives a large party for them and wins back their favor, as well as Miss Mack's. He decides to marry Miss Mack and agrees to give Miss Jennings a large sum of money for any claims she might have on him. He arrives at her apartment with a check only to find her murdered. He is arrested for the murder. While on his way to the death house, he escapes. With the help of an old friend (Paul Guilfoyle) and of Miss Mack, he proves that Vinton Hayworth, Miss Jenning's lover, had committed the murder. Cleared of the murder charge, Stevens marries Miss Mack.

Martin Mooney wrote the story, and Arthur T. Horman and Martin Mooney, the screen play. Lew Landers directed it, and Maury Cohen produced it. In the cast are Hedda Hopper, Murray Alper, and others.

Unsuitable for children. Adult entertainment. Class B.

### "Night Must Fall" with Robert Montgomery and Rosalind Russell

(MGM, April 30; time, 116 min.)

Marvellously acted, but it is no entertainment for the masses, and particularly bad for children. It is a grim study of a psychopathic killer, and as such it should appeal mostly to class audiences. It is a faithful reproduction of the stage play; and, as in the play, the action is confined mostly to one set. The individual performances are excel-lent, and the direction intelligent; but the theme, despite its fascinating quality, is too unpleasant and the action too slow for the general picture-goer. It may prove shocking also to many adults, particularly to women, who will shudder at the suggestion of the murderer's carrying around in a box his victim's head. Even the romantic interest is unwholesome, for the heroine is attracted to the murderer purely physically. The closing scenes, which show the murderer preparing for and actually committing a murder, are horrifying. The action takes place in a London suburb.

In the development of the plot, Montgomery, a bellhop, worms his way into the affections of Dame May Whitty, a tyrannical, selfish old woman, who had planned to compel him to marry her servant girl, whom he had seduced. She forgets all about the servant girl and insists that he leave his job and work for her, living in her house. He plays up to her and caters to her every whim. Miss Russell, Dame Whitty's penniless niece who lived with her aunt, is fascinated and at the same time repelled by Montgomery. She soon realizes that he is, besides a super-egoist, a murderer; she senses this by his actions when the beheaded body of a woman is found in the woods near their house. She knows that the box he was carrying around with him contained his victim's head. But his attraction for her prevents her from giving him away to the police. One night she becomes particularly frightened and leaves the house, only to return later to find her aunt murdered. She confronts Montgomery, who calmly admits the murder and tells her that he would kill her next. Only the timely arrival of the police with the man who loved her saves her life. She is grateful for this and also for the fact that her feelings for Montgomery had turned to repugnance

The plot was adapted from the play by Emlyn Williams. John Van Druten wrote the screen play, Richard Thorpe directed it, and Hunt Stromberg produced it. In the cast are Alan Marshal, Merle Tottenham, Kathleen Harrison,

Not suitable for children or adolescents. Adult fare.

"Juggernaut" with Boris Karloff

(Grand National, April 30; time, 64 min.) Mediocre! The drawbacks, as far as American audiences are concerned, are the decided English accents and the fact that, with the exception of Karloff, none of the other players are known here. The story is unpleasant, for it deals with unfaithfulness and cold-blooded murder. The situation that shows Karloff injecting poison into the arm of the ailing millionaire whose wife had promised Karloff a fortune if he would kill him is unpleasant, to say the least. Too much footage is given over to the melodramatic outbursts and displays of temper by the unfaithful wife; they are boresome. There is some excitement in the closing scenes, where Karloff attempts to kill his victim's son in the same way. The romantic interest is mild:

Karloff, an embittered and penniless physician, whose one desire in life was to complete certain research work for which he did not have the necessary money, accepts the proposition of Mona Goya to attend her ailing husband, and to poison him in such a way as to make it appear as if he had died a natural death; she promises Karloff twenty thousand pounds for the work. Karloff pretends to be treating the husband but actually injects poison into him, bringing about his death. But complications arise when the wife learns that her husband had tied up his estate, leaving complete control in the hands of his son by a first marriage Knowing that if she could not get the money, her gigolo lover would leave her, she becomes frantic. She plans with Karloff to kill the son in the same way they had killed the father. But the timely intervention of Joan Wyndham, Karloff's nurse, who had found out about the plan, saves the young son's life. He is grateful to Miss Wyndham, with whom he had fallen in love. Karloff kills himself, and Miss Goya is arrested.

Alice Campbell wrote the story, and Cyril Compion and H. F. Mear, the screen play; Henry Edwards directed it, and Julius Hagen produced it. In the cast are Arthur Margetson, Anthony Ireland, Morton Setten, and others. Unsuitable for children and adolescents. Adult fare.

# Class B. "Melody for Two" with James Melton

(Warner Bros., May 1; time, 59 min.)
Fair program entertainment. Songs of the popular swing variety and others of the ballad type bolster up the trite story. The comedy, composed of gags that are as old as the hills, is pretty weak, seldom provoking any hearty laughter. James Melton's pleasing voice, known to radio listeners, is still superior to his talents as an actor. The picture lacks human appeal, giving the characters little chance to do anything to awaken one's sympathy. It is all developed according to formula, and ends in a manner expected by the audience:-

Melton, band leader at a swanky night club, is enraged when he learns that Patricia Ellis, a singer with his orchestra, with whom he was in love, had engaged Dick Purcell to write their musical arrangements when she knew it was against his wishes. He had quarreled with Purcell and was determined not to have anything to do with him. Melton resigns and Miss Ellis is given his place as band leader; she is a hit. Not being able to secure employment with a good band, Melton is compelled to accept a job as band leader at a cheap restaurant; but the patrons there do not care for Melton's type of music, and the club owner warns him to change it. The janitor makes a suggestion that Melton play swing music; he does, and in a short time his band is hailed as the best "money-getter" in town. In order to regain her waning popularity, Miss Ellis is compelled to change also to swing music. The two rival bands compete for radio work. Miss Ellis, feeling sorry for Melton when his singer docs not show up, substitutes for her. They are so good that the radio sponsors suggest that the bands merge and broadcast on the same program. This is agreeable to all. Miss Ellis and Melton are reconciled.

Richard Macaulay wrote the story, and George Bricker, Luci Ward, and Joseph K. Watson, the screen play; Louis King directed it, and Bryan Foy produced it. In the cast are Fred Keating, Marie Wilson, Winifred Shaw, Craig Reynolds, and others

Morally suitable for all, Class A.

### "Navy Blues" with Dick Purcell, Mary Brian and Warren Hymer

(Republic, April 19; time, 68 min.)

In the heading of the review printed in last week's issues, the name of Dick Powell appeared as the star. This was an error; the leading player is Dick Purcell.

## CLEVELAND EXHIBITORS CONDEMN PARAMOUNT PICTURE GRAB

The following resolution was passed by the organized exhibitors of Cleveland:

"Whereas, Paramount Pictures Corporation announced for the 1936-37 Season certain feature pictures by titles, stars and directors, and

"Whereas, Paramount, in a recent printed document, distributed among exhibitors at large, announced that it will not deliver some of these feature pictures during the 1936-37 season, thereby disregarding the moral rights of the 1936-37 contract holders, now therefore be it

"Resolved, That the Cleveland Motion Picture Exhibitors Association, Inc., at a meeting held this fourth day of May, 1937, gocs on record as condemning this act of Paramount as unfair, unethical, unjust, and contrary to the implied promises in the 1936-37 Work Sheet that such pictures would be delivered during the 1936-37 Season; be it further

"Resolved, That the Secretary of this Organization be instructed to send a copy of this Resolution (a) to Mr. Adolph Zukor, Chairman of the Board of Directors, and to Mr. Neil Agnew, General Sales Manager, of Paramount Pictures Corporation; (b) to every regional or state exhibitor organization; (c) to Mr. P. J. Wood, General Chairman of the Allied States Convention that will be held in Milwaukee on May 26-27-28, with a request that he bring this matter to the attention of the Convention; and (d) to all Trade Papers."

In last week's issue, the Paramount incdallions were called "silver"; they are of white metal, carry Mr. Zukor's profile, and are inscribed, "Silver Jubilee Medallion." They are used as paper weights on desks.

Many of the Cleveland exhibitors who have received such medallions plan to return them, in accordance with an exhibitor's suggestion that was made known to them through the article in last week's HARRISON'S REPORTS.

## THE ALLIED STATES CONVENTION IN MILWAUKEE BIGGEST EVER

I had a personal talk with Pete Wood in Cleveland last week and from what he has told me I have formed the impression that the Allied States Association annual meeting, which will be held at the Hotel Pfister, on the 26-27-28th of this month, is going to be the biggest convention the independent exhibitors have ever held anywhere in the United States. It seems as if every exhibitor who has the price of the fare will be there. Some exhibitors will even borrow money to make the trip.

In the last few years the exhibitors have become organization-conscious; they have come to realize that organization is like insurance; only much more profitable.

Even those who do not belong to any Allied Unit cooperate with in in the protection of the interests of independent exhibitors.

And why not? When taxation is proposed, can they fight against it single-handed? They know that every exhibitor must put his shoulders to the wheel and push.

But it would be much more preferable if all those who receive the benefits of the work of the organization belong to it, for it is unfair for them to get the benefit of the work of others but not contribute anything toward it financially. It takes money to run an organization. And every dollar paid by an exhibitor to the organization counts. After all, they are the beneficiaries.

One of the matters that will be dealt with in Milwaukee will be the prices and terms of films. Those who have delayed buying will benefit from the survey the Allied States executives are making, the results of which will be announced at one of the meetings.

The following is a statement that has been sent out from Mr. Abram F. Myers, general counsel of the organization, Securities Bldg., Washington, D. C.:

"The buying survey being conducted by Allied in preparation for the 'Buyers' Convention' to be held in Milwaukee May 26-28 is meeting with a hearty response from exhibitors who are sending in the questonnaire forms in increasing numbers.

"Preliminary tabulations of 375 forms covering upwards of 400 theatres located in 29 exchange centers bear out the prediction of Allied leaders that exhibitors would go slow with their buying this year and await the reports made to and action taken at the convention.

"Not more than 22 of the reporting exhibitors have bought anything like their requirements for the ensuing year; 38 have bought two or three products (mostly two) and 34 have bought only one line of product, leaving 281 who have signed no contracts whatever.

"The returns at this stage indicate that exhibitors served from Portland, Oregon, have done more buying and those served from Detroit less that in other territories.

"The final report to be submitted to the convention will reveal interesting facts regarding the buying habits of the exhibitors in different parts of the country. It is believed it will enable exhibitors to draw certain conclusions which should be of value to them in future buying operations.

"Is block booking more prevalent in my territory than in others? Does the other fellow have to take all the shorts? Are they soaking me with more percentage picture than the exhibitors in other territories? Is there a national policy on designated play dates? Are terms tougher where there is no effective exhibitor organization than where there is?

"These questions and many more are puzzling the exhibitors. Indications are that swarms will be on hand to hear the answers based on information they have helped compile."

If you are one of those few who have not yet made their minds up to come, make it up right now. Let me meet you there!

Telegraph to Mr. R. A. Tesch, Independent Theatres Protective Assn., 709 North Eleventh Street, Milwaukee, Wis., to make a hotel reservation for you.

### THE HAYS ASSOCIATION MUST INVENT BETTER BLOCK-BOOKING ARGUMENTS

The April four issue of the Sunday Star, of Wilmington, Delaware, published a letter, signed "Motion Picture Producers and Distributors of America, Inc.," in which an effort was made to clear "the false issues and misrepresentations" on block-booking, as the letter calls the efforts of the exhibitors to guide the public right on the block-booking issue.

In the May two issue of the same newspaper, an exhibitor replies to this letter, pretty forcefully, controverting effectively the arguments presented in the Hays Association's letter.

The arguments in the Hays Association's letter are the same arguments that were contained in a recent pamphlet about which *The Christian Century* said partly the following:

"The Hays office is circulating widely a leaflet entitled 'The Truth About Block Booking.' We have searched in vain, however, to find the truth...."

The Hays Association certainly needs more effective arguments to arrest sentiment against block-booking, which is growing by leaps and bounds among the picture-going public, affecting also Congress. In my recent trip to Cleveland, where I attended the meeting of the local exhibitors, I saw letters from Congressmen offering to do all they could to help the exhibitors put the Neely-Pettengill Bill through Congress.

If you have not yet communicated with the member of the House of Representatives from your district, as well as the Senators from your state, communicate with them at once, urging them to support the Neely-Pettengill Bill. Do not relax your efforts just because victory is in sight; don't leave anything to chance.

### HARRISON'S REPORTS

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W. Powell-Montgomery Feb. 19 723 Espionage—Lowe-Evans-Lukas Feb. 26 No release set for Mar. 5 No release set for Mar. 12	(444 W. 56th St., New York, N. Y.)  737 Wings of the Morning—Annabella-Fonda Feb. 19 729 Love Is News—Power-Young-Ameche Feb. 26 740 Fair Warning—Bromberg-Furness Mar. 5
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3669 Hills of Old Wyoming—Boyd-Hayes (78m). Apr. 16 3640 King of Gamblers—Nolan-Trevor-Tamiroff. Apr. 23 3641 Make Way for Tomorrow—Bondi-Moore— Hall	Kid From Spain—Eddie Cantor (Reissue) June 11 Walter Disney's Academy Award Review (44m) June 18 ("Knight Without Armor," listed in the last Index as a May 1 release, has been temporarily postponed)
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7805 Scrambled Legs—World of Sport (9½ m.)Feb. 22 7603 The Wedding Deal—Court of Human Relations	74306 The Ice-Men—Bill Corum (10 min.) Jan. 15 74506 Romantic Mexico—World on Par. (10m.) Jan. 22
(11½ min.)	74604 Pathe Topics No. 4—(8 min.)
7904 When the West Was Young—Tours (10 m.). Mar. 12 7508 Merry Mannequins—Color Rhap. (7½ m.) Mar. 19	74507 Manhattan Water Front—W. on Par. (11m.) Feb. 19 74605 Pathe Topics—(9 min.)
7857 Screen Snapshots No. 7—(9½ min.)Mar. 23 7753 Puttin Out the Kitten—Scrappys (7 m.)Mar. 26	74308 Saratoga Summers—Bill Corum (11 m.). Mar. 12 74508 Mount Vernon—World on Parade (10 m.). Mar. 19
7808 Fun in the Water—World of Sport (9½ m.) Mar. 28 7954 Herald of the Skies—Featurette (9½ m.). Apr. 2	74606 Pathe Topics—(9 min.)
7509 Let's Go—Color Rhapsody (7½ min.)Apr. 16 7754 Scrappy's Band Concert—Scrappys (7 m.)Apr. 29	74509 California Mission—World on Par. (11 m.) Apr. 16 74404 Desert Land—Struggle to Live (8m.) (re.). Apr. 16
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7510 Mother Hen's Holiday—Color Rhap. (7 m.) May 7 7808 Fit to Win—World of Sport (9½ min.)May 7 7511 The Foxy Pup—Color Rhapsody	(11 min.)
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7406 Super Snooper—All star (19½ min.)Feb. 25 7305 Dizzy Doctors—Stooge (17½ min.)Mar, 19	73302 Grandma's Buoys—Smart Set (16m.) Dec. 18 73105 March of Time—(19m.) Dec. 25
7354 Stuck in the Sticks—Clyde (18½ m.)Mar. 26 7407 New News—All star (17½ min.)Apr. 1	73502 Deep South—Hall Johnson Choir (19m.)Jan. 1 73402 Hillbilly Goat—Edgar Kennedy (18m.)Jan. 15 73106 March of Time—(19m.)
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7307 Back to the Woods—Stooge com. (19½ m.) May 14	73107 March of Time—(21 min.)
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S-560 Ski Skill—Pete Smith (10 min.)	Township Continue F and O . D. I
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G6-4 Trees—Musical Romance (8½ min.) Mar. 19	7202 Man To Man (The Boy Friend)—Iris Adrian (17½ min.)
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2510 Cab Calloway in Hi De Ho—M. M. (11 m.) Feb. 20 2307 Land of the Midnight Sun—Col. Ad. (10 m.) Feb. 27 2807 Picador Porky—Looney Tunes (8½ m.)Feb. 27 2707 Medium Well Done—Novelties (11 m.)Mar. 6	86 Wednesday June 2 87 Saturday June 5 88 Wednesday June 9 89 Saturday June 12
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2026 Play Street—Preissers (22 min.)	75292 Wed. (E.). June 9 75193 Sat. (O.) June 12 75294 Wed. (E.). June 16 75195 Sat. (O.) June 19 75296 Wed. (E.). June 23
2029 Movie Mania—Dave Apollon (21 min.) May 8 2030 Sound Defects— Broadway Brevities May 15 2005 The Littlest Diplomat—Broadway Brev May 22 2031 A Musical Operation—Broad. Brev. (20m.) May 29	75197 Sat. (O.). June 26 75298 Wed. (E.). June 30 75199 Sat. (O.). July 3

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### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XIX

SATURDAY, MAY 22, 1937

No. 21

### Box-Office Performances of 1936-37 Season's Pictures - No. 1

This is the third series of articles giving the box-office performances of the current season's pictures.

The second series was published in the issues of March 6, 13, 20 and 27.

Westerns are excluded from this analysis.

In this series, just as in the last series, the following additional facts are given: prominent players, producer, director, and the writer of the screen play. These facts are important, particularly in the beginning of the sales season, for they give you an idea as to what kind of producers, directors and screen-play writers each company employs. The name of the producer (supervisor) should give you an idea who is making the B, C and D pictures for the company he works for. As to the names of the screen-play writers, this information, too, should prove of value in that it gives you an opportunity to know whether a company employs competent writers or not, for if the pictures that are based on the screen plays of a particular writer turn out poor repeatedly, then it is the best proof that that writer needs additional education and the salesman cannot brag about his company's lower classification pictures.

The rating is based on box-office performance alone.

#### Columbia

"Women of Glamour," with Virginia Bruce and Melvyn Douglas, directed by Gordon Wiles, from a screen play by Lynn Starling and Marcy C. McCall, Jr.: Fair.

"When You're in Love," with Grace Moore and Cary Grant, produced by Everett Riskin, directed by Robert Riskin, from a screen play by Robert Riskin himself: Good to fair.

"Parole Racket," with Paul Kelly and Rosalind Keith, produced by Ralph Cohn, and directed by C. C. Coleman, Jr., from a screen play by Harold Shumate and Owen Francis: Fair to poor.

"Trouble in Morocco," with Jack Holt and Mae Clarke, produced by Larry Darmour and directed by Ernest B. Schoedsack, from a screen play by Paul Franklin: Fair to poor.

"Let's Get Married," with Ida Lupino, Walter Connolly and Ralph Bellamy, produced by Everett Riskin and directed by Alfred E. Green, from a screen play by Ethel Hill: Fair.

"Racketeers in Exile," with George Bancroft and Evelyn Venable, directed by Erle C. Kenton, from a screen play by Harry Sauber and Robert Shannon: Fair. (Some reported it as good and some as poor.)

"Motor Madness," with Rosalind Keith and Allen Brook, produced by Harry L. Decker and directed by D. Ross Lederman, from a screen play by Fred Niblo, Jr. and Grace Neville: Poor (very bad).

"Speed to Spare," with Charles Quigley and Dorothy Wilson, produced by Ralph Colm, and directed by Lambert Hillyer, from a screen play by Bert Granet and Lambert Hillyer: Poor.

"I Promise to Pay," with Chester Morris, Leo Carrillo and Helen Mack, produced by Myles Connolly, and directed by D. Ross Lederman, from a screen play by Mary C. McCall and Lionel Houser: Good to fair.

"Thunder in the City," with Edward G. Robinson, produced by Alexander Esway in England, and directed by Marion Gering, from a screen play by Robert Sherwood, Aben Kandel, and Akos Tolnay: Fair.

Ten pictures are reported in this column, rated as follows: Good to Fair, 2; Fair, 4; Fair to Poor, 2; Poor, 2.

Adding them to the number of those that have been reported in previous issues, we get the following results:

Excellent, 1; Very Good, 1; Very Good to Good, 1; Good, 2; Good to Fair, 3; Fair, 5; Fair to Poor, 5; Poor, 7—all together 25 pictures.

Last season's first 25 were rated as follows:

Excellent, 1; Very Good, 1; Good, 1; Fair, 5; Fair to Poor, 3; Poor, 14.

A slight improvement is shown in the lower ratings, but not such as to make any exhibitor notice it.

Metro-Goldwyn-Mayer

"The Last of Mrs. Cheyney," with Joan Crawford, William Powell, and Robert Montgomery, produced by Lawrence Weingarten, from a screen play by Leon Gordon, Samson Raphaelson, and Monckton Hoffe: Very Good to good (some reports had it as fair).

"Espionage," with Edmund Lowe, Paul Lukas and Madge Evans, produced by Harry Rapf, and directed by Kurt Neumann, from a screen play by Manuel Steff: Fair to poor.

"Personal Property," with Jean Harlow and Robert Taylor, produced by John W. Considine, Jr., and directed by W. S. Van Dyke, from a screen play by Hugh Mills and Ernst Vajda: (In big theatres, from Good to fair; in smaller theatres Very Good to good.) Good.

"Maytime," with Jeanette MacDonald, Nelson Eddy, and John Barrymore, produced by Hunt Stromberg, and directed by Robert Z. Leonard, from a screen play by Noel Langley: Excellent.

"Song of the City," with Margaret Lindsay and Jeffrey Dean, produced by Lucien Hubbard and Michael Fessier, from a screen play by Michael Fessier: Poor.

"Captains Courageous," with Freddie Bartholomew, Spencer Tracy and Melvyn Douglas, produced by Louis D. Lighton, and directed by Victor Fleming, from a screen play by Dale Van Every: Excellent.

"Romeo and Juliet," with Norma Shearer and Leslie Howard, produced by the late Irving Thalberg, and directed by George Cukor, from a screen play by Talbot Jennings: Good. (A few reports had it as excellent, a few as very good, but also a few as fair and a few as poor.)

"Kelly the Second," with Patsy Kelly, Charlie Chase and Big Boy Williams, produced by Hal Roach, and directed by Gus Meins, from a screen play by Jack Jevne: Fair. (This picture was omitted inadvertently in the box office analysis that was made in the November 28, 1936, issue.)

Eight pictures are reported in this column, rated as follows:

Excellent, 2; Very Good to Good, 1; Good, 2; Fair, 1; Fair to Poor, 1; Poor, 1.

Adding to these the nineteen pictures that were reported in previous analyses, we get the following results:

Excellent, 3; Very Good, 2; Very Good to Good, 1; Good, 2; Good to Fair, 1; Fair, 9; Fair to Poor, 5; Poor, 4. All together 27 pictures.

The first 27 pictures of the 1935-36 season were rated as follows ("Smilin' Through" excluded):

Excellent, 4; Very Good, 3; Very Good to Good, 1; Good, 4; Fair, 1; Fair to Poor, 5; Poor, 9.

This season's first 27 seem to be of somewhat lower box office value than were the first 27 of the 1935-36 season.

### First National

"Green Light," with Errol Flynn, Anita Louise, and Margaret Lindsay, produced by Henry Blanke, and directed by Frank Borzage, from a screen play by Milton Krims: Very Good to good.

### "Turn Off the Moon" with Charles Ruggles, Eleanore Whitney and Johnny Downs

Paramount, May 14; time, 791/2 min.)

Just a moderately amusing comedy, with music. The production and acting are good, but the story is mediocre. The picture consists of a series of vaudeville acts, which in themselves are not so bad; it becomes boresome only when it goes into plot details. As a matter of fact, the first fifty-five minutes are just a build-up for the closing scenes, during which a musical show is performed. It is here that the highlights, both in song and dance, are given. Charles Ruggles works hard to provoke laughter, for the material given him is not of the funniest; it is to his credit that he is even fairly amusing. The romance is of mild interest:—

Charles Ruggles, wealthy department store owner, had been postponing his marriage to Marjorie Gateson for fifteen years because he, being an astrologer, was certain that the stars were not yet in their favor. His astrological adviser (Andrew Tombes), tells him that if he would further the romance of a young boy and a young girl he would be free to marry Miss Gateson. Ruggles picks out Miss Whitney, a penniless actress who had wandered into his store, as the girl, and Johnny Downs, an employee who had befriended Miss Whitney, as the boy. For a time everything goes smoothly, for the two youngsters had fallen in love with each other. Ruggles tells Miss Gateson to prepare for the marriage. But his plans are upset when Downs quarrels with Miss Whitney, who had accepted an invita-tion for dinner from Ruggles' nephew, thinking it would further Downs' career. Ruggles, with the help of Tombes, is finally able to patch up the lovers' quarrel. Ruggles is cheered by his employees at the annual store banquet, when he tells them he is going to be married; Miss Gateson is happy that at last Ruggles felt that the stars were right for them.

Mildred Harrington wrote the story, and Marguerite Roberts, Harlan Ware, and Paul Gerard Smith, the screen play; Lewis Seiler directed it, and Miss Fanchon produced it. In the cast are Kenny Baker, Phil Harris and orchestra, Ben Blue, Grady Sutton, and others.

Suitable for all. Suitability, Class A.

### "Michael O'Halloran" with Wynne Gibson, Warren Hull and Jackie Moran

(Republic, May 15; time, 67 min.)

A fair program human-interest drama, suitable mostly for the family trade; it is of the tear-jerker variety. Several situations are touching, mainly because of the appeal of Charlene Wyatt, an adorable youngster, who wins over the spectator from the first time that she appears. Jackie Moran is good in the title role; but he is given too many long-winded speeches to make. One feels sympathy for Wynne Gibson, whose regeneration is brought about by her love for two poor children-Jackie and Charlene; this love is so strong that she even gives up the chance of defending her character and winning back her children from her estranged husband (Sidney Blackmer) in order to stay with Charlene, who was desperately ill. The closing scenes, in which Jackie rushes to court to convince Blackmer of Miss Gibson's fine character, are extremely farfetched and slightly ridiculous. Warren Hull's part is a secondary one; with Hope Manning, he supplies the love

In the development of the plot, Miss Gibson, whose husband had left her and was fighting for the custody of their children, decides to win public approval before the trial by taking into her home two orphan children and paying the expenses for an operation for the baby girl, who was crippled. Her plan works to her benefit; but in time she feels ashamed of herself, for she really had learned to love the boy and girl, who in some way had taken the place of her own children. On the day of the hearing, she is prevented from going to court because of the serious condition of the little girl, who had been operated on, and had been crying for her. But Jackie saves the day by running to court and convincing Blackmer that his wife was a fine woman. Blackmer becomes reconciled with Miss Gibson. They adopt the two orphan children, and are overjoyed when the young girl is able to walk.

The plot was founded on the Gene Stratton Porter story. Adele Buffington wrote the screen play; Karl Brown directed it, and Herman Schlom produced it.

Suitable for all. Class A.

### "The Thirteenth Chair" with Madge Evans, Lewis Stone and Dame May Whitty

(MGM, May 14; time, 661/2 min.)

A fair murder mystery melodrama of program grade. It keeps one guessing to the very end, for several persons are suspected, and the murderer's identity is not divulged until the closing scene. However, it is not a picture for those who like action, since the story is developed by dialogue and unfolds practically in one room. Two scenes, in which scances are held to frighten the murderer into confessing, are played in complete darkness; one cannot see anything but just hears what the characters say. This may make some audiences restless. The second seance, called in order to reenact the crime, is somewhat gruesome; the body of the dead man is put back in the chair where he had sat when he was murdered and the two persons on either side of the body are compelled to hold its hands. This scene holds one, however, in fairly tense suspense, for one expects the murderer to give himself away. One feels sympathy for Madge Evans, who was unjustly suspected of having committed the murders, and could not defend herself because, if she were to tell her story, she would have to involve Elissa Landi, her fiance's married sister, whom she was trying to shield. The romance between Miss Evans and Thomas Beck is pleasant, both being likeable characters. Beck displays decency in standing by Miss Evens. Lewis Stone, the police inspector, with the help of Dame Whitty, the medium, works out a clever scheme whereby the murderer is trapped. He had been wronged by the first victim, whom he had killed; thinking that his second victim knew too much, he had murdered

The plot was adapted from the play by Bayard Veiller. Marion Parsonnet wrote the screen play, and George B. Seitz directed it. In the cast are Henry Daniell, Janet Beecher, Ralph Forbes, and others.

Unsuitable for children and adolescents. Adult fare.

Class B.

### "Shall We Dance?" with Fred Astaire and Ginger Rogers

(RKO, May 7; time, 109 min.)

Very good! The story is weak, but lavish production and the usual spirited performances by Astaire and Rogers should put it over. Eric Blore and Edward Everett Horton are capable enough to make somewhat silly situations seem extremely comical; each time they appear they provoke hearty laughter. It is still exciting to watch Astaire and Miss Rogers dance together, for they team up so well. There are some excellent spots, the highlight being the scene in which Astaire dances to the strains of the music played by a colored band in the engine room of an ocean liner; his steps coincide with the reciprocal motion of the engines. For a novelty he and Miss Rogers do one of their numbers on roller skates. And as an additional novelty Astaire dances in a ballet number with Harriet Hoctor as his partner; but this is not as good as his usual dance routines with Miss Rogers. All in all, this picture gives the Rogers-Astaire fans what they want, and should go over as big as their other pictures.

In the development of the plot, Astaire, a noted ballet dancer, falls in love with Miss Rogers, a well-known modern dancer. They sail on the same boat for America. After many attempts to gain her attention, Astaire finally succeeds. A rumor spreads that they were married and that Miss Rogers was expecting a baby. This puts Miss Rogers into an embarrassing position, for she was engaged to marry William Brisbane, an American millionaire. Jerome Cowan, Miss Rogers' enterprising manager, who did not want to see her marry Brisbane, uses a dummy of Miss Rogers with which to take photographs showing her in intimate poses with Astaire; he does this while Astaire is asleep. He gives the pictures to the newspapers, and they are naturally printed; this makes matters worse. Astaire suggests that the best way for Miss Rogers to clear matters up is for her to marry him and then sue for a divorce. She agrees to it and they marry. By this time she had fallen in love with him and wanted to stay married; but the untimely arrival of Astaire's former girl-friend spoils everything. Miss Rogers, disgusted, runs away. Astaire makes many efforts to find her but is unsuccessful. Eventually she returns and relents. They are happily reconciled and plan to continue dancing together.

Lee Loeb and Harold Buchmann wrote the story, and Allan Scott and Ernest Pagano, the screen play; Mark Sandrich directed it, and Pandro S. Berman produced it. In the cast are Ketti Gallian, Anne Shoemaker, and others.

Suitable for all. Class A.

### "Oh, Doctor" with Edward Everett Horton

(Universal, May 16; time, 67 min.)

An ordinary program comedy. When Universal first produced this story in 1924, it was uproariously funny; but this remake lacks the spontaneity of the original. Moreover, it is not the type of entertainment that modern picture-goers want. As a matter of fact, it is tiresome, particularly in the first half, during which Horton does not stop talking; by the time the first half is over one is so bored that one has lost all interest in the outcome:—

Horton, imagining himself to be the victim of every known disease, takes various medicines and continually consults doctors. His only regret is that he had to wait six months to collect his inheritance; he felt that if he had the money he could really afford to be sick. A gang of crooks, headed by Thurston Hall, learning of the inheritance, offer Horton a \$50,000 loan if he would sign over his inheritance to them; he agrees to it but feels sorry for the men, feeling that he would die soon and would thus do them out of their money, for his father's will specifically stated that if Horton died the money was to be turned over to charity. The crooks watch over Horton like a baby; and in order to cheer him up they employ a good-looking nurse (Donrue Leighton) to look after him. Horton falls in love with her and forgets all about his illness. He becomes a real outdoor man, executing feats that endanger his life. When Miss Leighton learns what the crooks had done, she compels them to turn back the agreement, thus saving Horton's inheritance. She accepts Horton's marriage proposal.

Harry Leon Wilson wrote the story, and Harry Clork and Brown Holmes, the screen play; Ray McCarey directed it, and Edmund Grainger produced it. In the cast are William Hall, Eve Arden, Edward Brophy, and others. Suitable for all. Suitability, Class A.

"The Frameup" with Paul Kelly and Jacqueline Wells

(Columbia, May 1; time, 59 min.)

A pretty good program melodrama, with a touch of mystery. It has plentiful action. Some of the situations are exciting; they are caused by the efforts of Paul Kelly, chief detective of the State Racing Commission, to prevent gangsters from switching horses during an important race. One is held in suspense when the gangsters kidnap Jacqueline Wells, Kelly's sweetheart, threatening to kill her unless Kelly dropped his investigation. The closing scenes are somewhat thrilling, for there Kelly endangers his life by pulling a clever trick, thus frightening the gangster leader (Robert Emmett O'Connor) into freeing Miss Wells; at the same time he finds out that C. Montague Shaw, a respected stable owner, was at the head of the ring. The exciting quality is maintained to the end—O'Connor learns from Shaw about Kelly's trick just as he was about to free Miss Wells. The timely arrival of the police prevents O'Connor from killing both Kelly and Miss Wells.

Authentic scenes of horse races are worked into the

plot in a realistic manner.

Richard E. Wormser wrote the story, and Harold Shumate, the screen play; D. Ross Lederman directed it, and Ralph Cohn produced it. In the cast are George McKay, John Tyrrell, and others.

Suitable for all. Class A.

## "Draegerman Courage" with Barton MacLane and Jean Muir

(First National, May 15; time, 58 min.)

A fair program melodrama. Presumably based on the Canadian mine cave-in, in which three men were trapped for ten days, it is most effective in the sequences that show the draegermen (rescue squad) frantically trying to save the trapped men. The rest of the story is of mild interest, and just serves as a means of building up to the dramatic part of the rescue work. Although one knows what the outcome will be, one is held in suspense until the men are brought out of the mine; this is done realistically. Otherwise, the story lacks comedy, and the romance is of mild appeal:—

Barton MacLane, a high-spirited miner, is discharged when he accuses his employer (Robert Barrat) of having neglected to safeguard the mine workers, some of whom had been killed in a cave-in. His sweetheart (Jean Muir) feels he was justified in his statements. Her father (Henry O'Neill), the town doctor, had been appealing to Barrat to erect a hospital, properly equipped to take care of the

injured men, but Barrat felt it was not necessary. O'Neill's baby daughter is injured; because of inadequate hospital facilities in his town, O'Neill is told to bring her to a city hospital for an operation. He goes to Barrat for a loan, and offers as security his interest in a forsaken mine. Barrat, in company with his manager (Addison Richards) and O'Neill, goes down to inspect the mine .While there, a cave-in occurs; and they are virtually buried alive. The rescue squad, headed by MacLane, work frantically for ten days to reach the men. By the time they get to them, Richards had died. Barrat, grateful for his rescue, puts MacLane back on the payroll, and tells O'Neill he would build the hospital he had always wanted.

Anthony Coldewey wrote the story and screen play; Louis King directed it, and Bryan Foy produced it. In the cast are Helen MacKellar, Gordon Oliver, Joseph Crehan,

and others.

Morally suitable for all. Suitability, Class A.

### "Make Way for Tomorrow" with Victor Moore and Beulah Bondi

(Paramount, April 30; running time, 88 min.)

A fine production, both from the point of view of mechanics and of emotional appeal. There are situations that will draw tears, no matter how hard one may try to resist the "surrender." One can hardly resist tears when witnessing so heart-rending an ocurrence-that of two elderly people whose children don't want them, because they are in the way. It will strike home with many sons and daughters; it should do more good to them than all the preach-ments in the world. The appeal is much deeper in this instance because of the excellent work of Victor Moore, as the father, and of Beulah Bondi, as the mother. The picture could have been still more appealing had the elderly mother not been made so annoying at different times in the home of the son with whom she had been living, for as it now stands one is inclined to consider her somewhat as a meddler. Another point where it could have been improved is the ending: the last scene shows the two elderly folk at the station, the husband taking the train for California, to go to one of the sons, leaving the wife behind. The continued separation of two people who, as the spectator feels, deserve a better fate leaves one dissatisfied.

The plot has been based on the novel "The Years Are So Long," by Josephine Lawrence. Leo McCarey has done a fine job as producer as well as director. Vina Delmar wrote the screen play. Fay Bainter, Thomas Mitchell, Ray Mayer, and Barbara Read are some of those in the supporting cast.

Suitable for the entire family—Class A.

Note: It is doubtful if the picture will draw for lack of box office names. But this should not discourage an exhibitor; he should do all he can to exploit it, so as to draw as many people as possible. It is the sort of picture that does honor to the industry.

## "It Happened Out West" with Paul Kelly and Judith Allen

(20th Century-Fox, May 7; time, 55½ min.)

A fair program western. The story is developed according to formula; but it keeps one in some suspense owing to the fact that Paul Kelly (hero) works against the interests of Judith Allen (heroine), thinking all the time that he was helping her. He had been sent by his office, trustees of Miss Allen's estate, to discourage her from continuing to run the ranch, because she was losing too much money. Laughs are provoked by Kelly's efforts to make the cowhands believe that he was a milk expert. The closing scenes are the most exciting; there Kelly finds out that the villains were the cause of Miss Allen's losing money, for they had discovered silver on her ranch and wanted to force her to sell by discouraging her. Kelly's race to prevent her from signing the bill of sale is exciting. Miss Allen, who had no faith in Kelly when his mission had become known to her, refuses to believe him and is on the point of signing when the Sheriff arrives to confirm Kelly's story. All is, of course, forgiven, and Kelly decides to give up his New York job to marry Miss Allen and help her run the ranch.

Harold Bell Wright wrote the story, and Earle Snell and John Roberts, the screen play; Howard Bretherton directed it, and Sol Lesser produced it. In the cast are Johnny Arthur, Leroy Mason, Lew Kelly and others.

Suitable for all. Suitability, Class .1

Note: The name of the Greyhound bus by which Kelly travels to the West is prominently displayed.

"Penrod and Sam," with Billy Mauch, produced by Bryan Foy, and directed by William McGann, from a screen play by Lillie Hayward and Hugh Cummings: Good to fair.

"Her Husband's Secretary," with Jean Muir, Warren Hull, and Beverly Roberts, produced by Bryan Foy and directed by Frank McDonald, from a screen play by Lillie Hayward: Fair to poor.

"Men in Exile," with Diek Purcell and June Travis, directed by John Farrow, from a screen play by Roy Chanslor: Poor.

"Marked Woman," with Bette Davis and Humphrey Bogart, produced by Lou Edelman, and directed by Lloyd Bacon, from a screen play by Robert Rosson and Abem Finkel: Very Good to good.

"That Man's Here Again," with Hugh Herbert, Tom Brown, and Mary Maguire, directed by Louis King, from a sereen play by Lillie Hayward: Fair to poor.

"Mountain Justice," with Josephine Hutchinson and George Brent, directed by Michael Curtiz, from a screen play by Norman R. Raine and Lucie Ward: Good to fair.

Seven pictures are reported in this column, rated as follows: Very Good to Good, 2; Good to Fair, 2; Fair to Poor, 2; Poor, 1.

Adding to them those that were reported in previous issues, we get the following results:

Very Good to Good, 2; Good, 3; Good to Fair, 4; Fair, 2; Fair to Poor, 4; Poor, 2—Seventeen pictures altogether.

The first seventeen of the 1935-36 scason were rated as follows (among these is also "Bullets and Ballots," which was inadvertently omitted from the analysis, which was printed in the November 28 issue. Its box-office performance was from Very Good to Good):

Excellent, 2; Very Good, 2; Very Good to Good, 1; Good to Fair, 4; Fair, 6; Poor, 2.

Comparing this season's program with that of the 1935-36 season, we find that this season's has fallen down considerably in box office performance.

### ALLIED CONVENTION OPEN TO ALL INDEPENDENTS

By an official pronouncement, the officers of Allied States Association will welcome to Milwaukee any exhibitor, irrespective of whether he is a member of Allied, or of an organization not affiliated with Allied, or no member of any organization whatever. This is to be an independent exhibitors' convention, in which the problems that will be discussed affect all independent exhibitors alike. Consequently, any independent exhibitor who can offer suggestions as to the manner by which these problems may be met will be welcomed there.

A late Allied statement confirms my belief that this year's Allied convention will draw the largest number of exhibitors known in the history of that organization or of any other. And it will afford an observer an opportunity to know how dismally the M.P.T.O.A. Miami convention failed. It was so great a failure, in fact, that even Red Kann, editor of Motion Picture Daily, could not refrain from so pronouncing it, however kindly he felt toward it. Under the heading, "Sunset Over M.P.T.O.A.," he wrote from Miami partly as follows:

"If you had been here last week, no doubt you would have done all these things [have a steak dinner, or played the slot machines]. You might have golfed. You might have gone swimming. Invariably you drank. In fact you did everything but remember until it was all over, and perhaps not then, that the M.P.T.O.A. was holding its 17th annual convention at the Miami Biltmore.

"A few of the faithful made appearances religiously... Trade paper reporters generally stuck to the job, which was what they came down for, but even in that direction there were wanderings from time to time....

"Nobody expected this would be much of a convention. It was a hell of a party and definitely the deadest business session the M.P.T.O.A. has held in its history....

"It was a sunset-like procedure for the organization, deep down and inside, because exhibitors, the obvious truth is, either do not want a national organization or they don't want one like the M.P.T.O.A...."

Jay Emanuel, too, wrote a similar article in *The Exhibitor* under the heading, "Moan Over Miami." He said,

"It seemed like a nice convention. . . . There were some exhibitors present. Of eourse, someone had to count noses to find out that the equipment and technical people almost surpassed the exhibitors in attendance. . . . Red Kann counted 86 exhibitors out of 200 present. . . ."

Milwaukee will be different. There no editor need mourn over the fate of Allied States. On the contrary, he will be impressed with the vigor of the convention and with the enthusiasm of those present, for never in its history could Allied present greater accomplishments. The North Dakota theatre divorce bill will stand as a monument of what persons with will can do.

But it is a waste of time to make a comparison between these two organizations, M.P.T.O.A. was onee an independent exhibitor organization; now it is a front for the producers.

Come to Milwaukee and help make this convention memorable!

### MORE ABOUT THE "DRIVES"

In the May 8 issue I stated that, in the matter of "Drives," undertaken by the exchanges to boost sales, the exhibitor often finds himself in an embarrassing position: although he knows that a Drive does him no good in that he is compelled to upset his play-date schedule, to the detriment of his box office, he cannot refuse to aid in such a Drive; for if he were to refuse to take part, he would incur the ill will of the exchange. And in a business where competition is confined among, not the sellers, but the buyers, because of the scarcity of product, the buyer cannot afford to arouse resentment in the seller.

As a way out, I suggested that Allied States appoint a committee, as a sort of Home Office, to pass upon all such Drives, to save the exhibitors from embarrassment. Such a Committee might then conduct a campaign among all independent exhibitors to induce them to sign a pledge to abide by the committee's rulings.

Suppose an exhibitor who had signed such a pledge were to be approached by the representative of some distributor to aid in a Drive; he could refer such representative to the Committee, informing him that, unless the committee's permission were first obtained he would be helpless to aid, in that he had given his pledge to that effect. In this manner the distributors could not very well take exception to the exhibitor's attitude, for they themselves have home offices to pass upon all matters that pertain to their business relations with the exhibitors.

When in Cleveland two weeks ago, I took the matter up with Pete Wood, Chairman of the Milwaukee Convention, and to my surprise this morning (May 14) I received the following letter from him:

"I have just finished reading the article on page seventysix of your May 8th issue entitled 'THE UNWISDOM OF AIDING "DRIVES."

"I hereby delegate you as a committee of one to prepare the proper resolution so that it can be submitted to the Milwaukee convention."

The resolution will, of course, be drafted, ready for submission at the proper time.

## THE PURPOSE OF RETURNING THE PARAMOUNT MEDALLIONS

An exhibitor wrote me as follows: "What good will it do to return my Paramount Medallion? Will they give me the pictures they are withholding from me?"

Perhaps they will not. At the same time they will not fail to take notice of the matter. Every company wants the buyers' good will; it does the company good, not during the years when they have money-making pictures so much as when their pictures are so poor that they drive patrons away. Can we forget the time when the Warner product fell down very badly for three years in succession? There were days when not a single exhibitor would step into a Warner exchange; there was hate in their hearts, because of the treatment they had received when Warners were king-pins.

Just as Warner Bros. learned their lesson, so can Paramount.

It is my opinion that the moral effect from returning the medallions will be great. And the loss will not be noticed; any one of you can buy a paper weight for ten cents.

### HARRISON'S REPORTS

Vol. XIX NEW YORK, N. Y., SATURDAY, MAY 22, 1937

No. 21

### The Accuracy of the 1936-37 Season's Forecasts

Of the literary works, such as novels, stage plays or magazine stories, announced by the producers in the beginning of the season as likely to be put into pictures, one hundred and fifty-six were available for forecasting. Of these, only thirty-six, or fewer than one-fourth, have been put into pictures so far, and the chances are that not more than ten per cent additional will be produced between now and the end of the season.

The number produced as compared to the number announced is, indeed, very small, and proves one thing, that the glowing announcements of the producers in the beginning of the season, intended to lure the unwary, are not worth much.

The following are the forecast stories that have been produced:

### Columbia

"Craig's Wife": The forecast said: "Though the play is dramatic, the story material, from a picture point of view, is not so good, because it deals with the thoughts and actions of a selfish woman, and with the break up of a home. From fair to fairly good." In quality, the picture turned out good for class audiences, but not attractive to the masses. Its box office performance was good, because of the presence of John Boles in the cast. Accuracy 80 per cent.

"Let's Get Married." forecast as "Weather or No": The forecast said: "Just a mild-interest story, which should make a program picture of a quality anywhere from fair to fairly good." In quality, the picture turned out just as forecast; and its box office performance has been fair. Accuracy 100%.

"Lost Horizon": The forecast, which appeared in the 1935-36 season's *Forecaster*, condemned this story material on the ground that it was fantastic, and a philosophical treatise on time. Columbia spent almost two million dollars in producing it. With so much money, even lead could be turned into gold. But despite the expenditure of a fortune, its box office appeal will be limited—it pleases the cultured picture-goers, well enough, but the rank-and-file of picture-goers will not go wild over it. Accuracy 60%.

Average accuracy of the three Columbia pictures: 80%.

### Metro-Goldwyn-Mayer

"Maytime": The forecaster predicted that this picture would turn out either very good or excellent. It has turned out excellent. Accuracy 100%.

"Captains Courageous": The forecaster said: "The story is full of human interest, and with Freddie Bartholomew in the leading part it should make not only a picture of a quality anywhere from very good to excellent but also a very good box office attraction." The picture has turned out excellent, and is so performing at the box office. Accuracy 100%.

"The Good Earth": The forecast said: "Though the book has had a big sale, the material is unsuitable for a talking picture for Americans by reason of the fact that the characters are all Chinese. Even if it were otherwise, it would not make a good picture because the hero is an extremely unsympathetic character; he casts off the very wife who had helped him become wealthy. As an entertainment, it can't turn out very good; but because of Paul Muni, it may have better luck at the box office. And MGM will undoubtedly produce it on a large scale." The picture was produced on a roadshow scale; therefore it cannot be judged by ordinary standards, particularly because the picture has not yet been taken out of the roadshow class. The story is drab. Yet the Forecaster is willing to mark itself down as having been wrong 100%.

Total average accuracy on this company's three pictures is 66%.

The low percentage of accuracy comes from the fact that only three stories have been produced of the fifty-six forecast.

### **Paramount**

"I'd Give My Life": The forecast said that the picture would turn out either very good or excellent. The picture turned out fair. Accuracy 60%.

"Straight from the Shoulder," forecast under the title, "Johnny Gets His Gun." The forecast said: "Just a nice little second program feature of a quality anywhere from fair to fairly good." The picture turned out from fair to fairly good in quality, and its box office performance has been from fair to poor. Accuracy 100%.

"My American Wife." The forecast said: "As it stands, the story could make a good picture." The picture turned out good, in quality as well as box office performance. Accuracy 100%.

"Wedding Present." The forecast said: "A nice program picture . . . from fairly good to good." The picture turned out pretty good in quality, and its box office performance has been from good to fair. Accuracy 100%.

"Go West Young Man," forecast under the title of "Personal Appearance": The forecast said that the story material would make a picture either good or very good. The picture turned out good. Accuracy 100%.

Average accuracy 92%.

### **RKO**

"The Big Game." The forecast said: "The story should make a program picture anywhere from fairly good to good." The picture turned out of good quality, but its box office performance has been only fair. Accuracy 80%.

"Without Orders." The forecast said: "Fair material for a fairly good program picture." The picture turned out good, but took only fair at the box office. Accuracy 80%.

"Winterset." The forecast said: "The play is deeply emotional but is packed with terror. The thought of an innocent man's paying the death penalty for a crime he had not committed is not cheerful fare; but it is powerful drama. The sight of a son's efforts to clear his father; the chances he took when he was trying to track down the missing witness; his final death, and the death of the girl he loved at the same moment—all these are powerfully dramatic . . . quality anywhere from very good to excellent." In quality, the picture turned out as predicted; but because it was a sombre entertainment—too sombre for most picture-goers, its box office performance has been from good to fair. Accuracy 100%.

"Rainbow on the River," forecast as "Toinette's Philip." The forecast said: "The story is full of human interest, and the action is such as to hold one's interest... from very good to excellent." The picture turned out very good in quality, and it took at the box office from very good to good. Accuracy 100%.

"That Girl from Paris," forecast as "Street Girl." The forecast said: "There is considerable human interest in the story, and a charming love affair. It offers an opportunity for good music, too . . . anywhere from good to very good." The picture turned out good in quality, and it took at the box office Good; but because the story was altered radically the forecaster refrains from taking credit.

"Quality Street." The forecast said: "There is considerable human interest and charm in this play and RKO should experience no difficulty in making a picture of a quality anywhere from very good to excellent." The picture turned out fairly good in quality, and its box office performance has been fair. Accuracy 40%.

"Outcasts of Poker Flat." The forecast said: "There isn't very much material for a plot of a moving picture, but what there is, is colorful. John Oakhurst, the gambler, wins one over with his act of self-sacrifice. The little story can certainly be enriched with proper treatment. The action may be made fast with gun fights, and the other activities of pioneer towns . . . with a competent cast, there is no reason why Mr. Sisk (the producer) should not make an

action picture of a quality anywhere from good to very good." The story was altered, well enough, but the picture turned out only fair; and although no reports are yet available as to its box office performances it is doubtful if they will be any more than from fair to poor. No doubt in the majority of the cases it will be played as a sccond feature. Accuracy 50%.

Average accuracy 75%.

### Twentieth Century-Fox

"Girls' Dormitory." The forecast said: "The story material is very good and offers an opportunity for a dressy picture, full of youthfulness and of innocent comedy...an exhibitor will not go wrong if he should determine that this picture will turn out anywhere from very good to excellent." The picture turned out good in quality, and good has been its box office performance. Accuracy 80%.

good has been its box office performance. Accuracy 80%.
"Star for a Night," forecast under the title, "The Holy
Lie." The forecast said: "Nice story material for a program picture of a quality anywhere from fairly good to
good." It turned out fairly good, although its box office per-

formance has been fair. Accuracy 100%.

"Ladies in Love." The forecast said: "There is no reason why 'Ladies in Love' should not make a picture of a quality anywhere from very good to excellent, with similar box office results." The picture turned out fair in quality, but good in box office results. Accuracy 60%.

"Ramona." The forecast said: "It should turn out to be a fine picture for women, and not bad for men... from very good to excellent." The picture turned out good in quality, and so has been its box office performance. Accuracy 80%.

"Sing, Baby, Sing!" The forecast said: "Nice material, which should make a picture anywhere from fairly good to good. The music should help considerably. And so should the inimitable Patsy Kelly." The picture turned out very good in quality as well as box office performance. Accuracy 70%.

"To Mary—with Love." The forecast said: "Twentieth Century-Fox has in this story material possibilities. An exhibitor is not taking great risks if he should class the picture as very good." The picture turned out very good in quality, and its box office performance has been from very good to good. Accuracy 100%.

"Fair Warning," forecast as "Death in Paradise Canyon." The forecast said: "Just a fair murder melodrama, of program grade." The picture turned out good in quality, but its box office performance has been from fair to poor. Accuracy 90%.

"Fifty Roads to Town." The forecast said: "Nice comedy-adventure material, which should make a picture anywhere from fairly good to good." The picture turned out fairly good in quality, and from good to fair in box office performance. Accuracy 100%.

Average accuracy 85%.

Universal

"The Magnificent Brute," forecast as "A Fool for Blondes." The forecast said: "A good piece of property, and Universal should make a picture of a quality anywhere from very good to excellent, and possibly of equal box office merit because of Victor McLaglen's popularity. But the hero should not be shown losing his leg; the same emotional effect can be attained by showing him only injured, and then recovered." Universal made the alterations suggested. The picture turned out good in quality and good in box office performance. Accuracy 80%.

"Four Days' Wonder." The forecast said: "The story is not 'heavyweight' and the best Universal can hope for is a program picture of a quality anywhere from fair to fairly good, unless radical alterations are made in the plot as well as in the characterizations." The story was altered radically; it was made into a farce. Its quality turned out fair, and it performed at the box office from fair to poor.

Since the story was, however, altered, the Forecaster takes no credit.

"The Luckiest Girl in the World." The forecast said: "Nice material, and should make a pleasing little picture, of a quality anywhere from good to very good." The picture turned out fairly good in quality, and its box office performance has been only fair. Accuracy 60%.

Average accuracy 70%.

### Warner-First National

"Three Men on a Horse" (First National): The forecast said: "This farcical material is very good; it keeps one laughing almost continuously. . . . It should make a good program comedy." The picture turned out good, and good has been its box office performance. Accuracy 100%.

"God's Country and the Woman" (Warner Bros.): The forecast said: "Well handled, 'God's Country and the Woman' should make a strong melodramatic thriller, anywhere from good to excellent." The picture turned out fairly entertaining, but its box office performance has been from very good to good. Accuracy 70%.

"The Great O'Malley" (Warner Bros.): The forecast said: "There is considerable human interest in this story. Jim's humanness awakens considerable sympathy for him . . . it should make a picture anywhere from good to very good, program grade." The picture turned out good in quality, and its box office performance has been from good to fair. Accuracy 100%.

"Green Light." (First National): The forecast said: "The material in this story is sweetly sentimental. Dr. Paige is a sympathetic character . . . Warner Bros. has announced that it will put Leslie Howard in this picture. With Mr. Howard, it should turn out anywhere from very good to excellent. With any other actor, not as capable and gentle, it might turn out only good." Warner Bros. went one better by putting in the picture Errol Flynn, who is as popular as Leslie Howard. The picture turned out very good in quality, and very good to good has been its box office performance. Accuracy 100%.

"Call It a Day." The forecast said: "The piece is light and amusing, and properly cast it should make a program picture anywhere from fairly good to good, its box office value depending on the leads." The picture has been given a fine production, but its quality is no more than fair, and its box office performance from fair to poor. Accuracy 70%.

"The Prince and the Pauper." The forecast said: "The material is very good of its kind and, properly handled, it should make a picture of a quality anywhere between good and very good; and if released around the coronation time of King Edward the VIII it might prove of high box office value." The picture has been produced lavishly; so lavishly, in fact, that it has been placed in the big picture class. Although it has not yet played, there is hardly any doubt that it will perform excellently at the box office, not only because it is a very fine picture, but also because of its timeliness. The coronation of the boy king in the picture should attract many people, who would want to have some idea how the Coronation of the British ruler is done. Accuracy 100%.

Average accuracy 90%.

PERCENTAGE OF ACCURACY

	Number of Pictures	Points	s Pe	rcentage
Columbia	3	240		80%
$MGM\ \dots\dots$	3	200		66%
Paramount	5	460		92%
RKO	6	450		75%
T. CFox	8	680		85%
Universal	2	140		70%
Warner-F. N	6	540		90%
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Total	33	2,710	(Aver.)	82%

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## RRISON'S

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### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XIX

SATURDAY, MAY 29, 1937

No. 22

### Box-Office Performances of 1936-37 Season's Pictures – No. 2

This is the second article of the third series.

Eight hundred theatres have furnished the information in the check up.

Paramount

In the March 13 issue, the last Paramount picture reported was "Clarence." But at that time the release schedule was as follows, (starting from "Outcast"): "Outcast," "John Meade's Woman," "Maid of Salem," "Clarence." Since that time, however, the schedule has been rearranged, and it is now as follows: "Outcast," "Clarence," "Maid of Salem." "Borderland" (not reported, being a western), and "John Meade's Woman."

"Murder Goes to College," with Roscoe Karns and Lynne Overman, directed by Charles Reisner, from a screen play by Brian Marlow, Robert Wyler, and Eddie Welch: Fair to poor. (The players do not mean much to the box office, and the three writers did not do any more than a fair job at the screen play.)

"Swing High, Swing Low," with Carole Lombard, and Fred MacMurray, produced by Arthur Hornblow, Jr., and directed by Mitchell Leisen, from a screen play by Virginia Van Upp, and Oscar Hammerstein, II: Very good to good. (In big towns good, in small towns very good. The quality of the story material was only fair.)

"The Crime Nobody Saw," with Lew Ayres, Benny Baker, and Eugene Pallette, directed by Charles Barton, from a screen play by Ellery Queen, and Lowell Brentano:

"Her Husband Lies," with Ricardo Cortez, Tom Brown, and Gail Patrick, produced by B. P. Schulberg, and directed by Edward Ludwig, from a screen play by Wallace Smith, and Eve Greene: Fair.

"Waikiki Wedding," with Bing Crosby, Martha Raye, and Bob Burns, produced by Arthur Hornblow, Jr., and directed by Frank Tuttle, from a screen play by Frank Butler, Don Hartman, Walter DeLeon, and Francis Mar-

tin: Very good (reports varied from excellent to good).

"The Girl from Scotland Yard," with Karen Morley and Robert Baldwin, produced by Emanuel Cohen and directed by Robert Vignola, from a screen play by Doris Anderson and Dore Schary: Fair to poor.

"Internes Can't Take Money," with Joel McCrea and Barbara Stanwyck, produced by Benjamin Glazer and directed by Alfred Santell, from a screen play by Rian James and Theodore Reeves: Good.

"King of Gamblers," with Akim Tamiroff, Claire Trevor, and Lloyd Nolan, directed by Robert Florey, from a screen play by Doris Anderson: Fair.

Eight pictures are reported in this column, rated as follows: Very Good, 1; Very Good to Good, 1; Good, 1; Fair, 2; Fair to Poor, 2; Poor, 1. Adding them to all those reported in previous issues, we get the following results:

Excellent, 1; Excellent to Very Good, 2; Very Good, 3; Very Good to Good, 3; Good, 6; Good to Fair, 3; Fair, 7; Fair to Poor, 11; Poor, 3—in all, 39 pictures.

The first 39 of the 1935-36 season ("Little America" and westerns excluded) were rated as follows:

Excellent, 1; Very Good, 1; Very Good to Good, 2; Good, 6; Good to Fair, 3; Fair, 4; Fair to Poor, 5; Poor, 17.

The improvement of this season's box office performances over last season's pictures is not very noticeable, even though there is an improvement. There had to be one, for the quality of last season's Paramount pictures were the lowest for many a season.

"Sea Devils," with Victor McLaglen, Preston Foster, and Ida Lupino, produced by Edward Small, and directed by

Ben Stoloff, from an original and a screen play by Frank Wead, John Twist, and P. J. Wolfson: Good to fair.

"When's Your Birthday?," with Joe E. Brown, produced by David L. Loew, and directed by Harry Beaumont, from a screen play by Harry Clork: Fair (a few reports had it as good).

"Don't Tell the Wife," with Guy Kibbee, Una Merkel, and Lynne Overman, produced by Robert F. Sisk, and directed by Christy Cabanne, from a screen play by Nat Perrin: Poor (a few reports had it as fair).

"China Passage," with Constance Worth and Virginia Haworth, produced by Cliff Reid, and directed by Edward Killy, from a screen play by Edmund L. Hartmann and Robert Bren: Poor (a few reports had it as fair).

"Quality Street," with Katherine Hepburn and Franchot Tone, produced by Pandro S. Berman, and directed by George Stevens, from a screen play by Allan Scott and Mortimer Offner: Fair (some reports had it as good, while other as poor).

"The Man Who Found Himself," with John Beal, Joan Fontaine, and Philip Huston, produced by Cliff Reid, and directed by Lew Landers, from a screen play by J. Robert Bren, Edmund L. Hartmann, G. V. Atwater, and Thomas Lennon: From fair to poor.

"The Soldier and the Lady," with Akim Tamiroff, Anton Walbrook, Elizabeth Allan, and Margot Grahame, produced by Pandro S. Berman, and directed by George Nicholls, Jr., from a screen play by Anne M. Chapin: From good to fair.

"Too Many Wives," with Anne Shirley, produced by William Sistrom, and directed by Ben Holmes, from a screen play by Dorothy Yost, Lois Elby, and John Grey:

Eight pictures are reported in this column, rated as follows: Good to Fair, 2; Fair, 2; Fair to Poor, 1; Poor, 3. Adding these to those that have been reported in previous issues, we get the following results:

Very Good to Good, 1; Good, 1; Good to Fair, 5; Fair, 7; Fair to Poor, 5; Poor, 4—in all, 23 pictures.

The first 23 of the 1935-36 season (exclusive of "Powder Smoke Range"), were rated as follows:

Excellent, 2; Good, 3; Good to Fair, 1; Fair, 3; Fair to Poor, 3; Poor, 11.

Comparing the box office performances of this season's pictures with those of last season, we find that this season's have fallen down considerably in "A" pictures.

### Twentieth Century-Fox

"Love is News," with Loretta Young, Tyrone Power, and Don Ameche, produced by Earl Carroll and Harold Wilson, and directed by Tay Garnett, from a screen play by Harry Tugend and Jack Yellen: Good.

"Fair Warning," with Betty Furness and J. Edward Bromberg, produced by Sol M. Wurtzel and directed by Norman Foster, from a screen play by the director himself:

"Nancy Steele is Missing," with Victor McLaglen, June Lang, and Walter Connolly, produced by Nunnally John-son, and directed by George Marshall, from a screen play

by Gene Fowler and Hal Long; Good to fair.

"Time Out for Romance," with Claire Trevor and Michael Whalen, produced by Milton H. Feld, and directed by Malcolm St. Clair, from a screen play by Lou Breslow and John Patrick: Fair. and John Patrick: Fair.

"Seventh Heaven," with Simone Simon and James Stewart, produced by Raymond Griffith and directed by Henry King, from a screen play by Melville Baker: Good.

### "Kid Galahad" with Edward G. Robinson, Bette Davis and Wayne Morris

(Warner Bros., May 29; time, 101 min.)

This is probably the best prize-fighting picture made. The boxing scenes have an authentic flavor and are thrilling, particularly the last bout, fought by the hero. Besides the prize-fighting angle, the story has a strong human and romantic appeal; and the performances are excellent. Warner Bros. have a "winner" in Wayne Morris, who, in addition to being the real he-man type, has a winning personality and a naivete that will appeal to both men and women: He wins one's sympathy from the very beginning and, because of his actions, holds it all the way through. One is held in tense suspense in the closing scenes, where Morris fights the champion, for one knows that, if he should win, Robinson (his manager) would be killed. Despite his tough makeup and his occasional inconsiderate acts, Robinson is more or less of a likeable type; his death saddens one. Bette Davis is a sympathetic character; her performance is more restrained than usual, in keeping with the part.

In the development of the plot, Robinson, who had been managing fighters for many years, is disgusted because once they became well-known, they double-crossed him. Miss Davis, his sweetheart, keeps him from venting his anger on Humphrey Bogart, a killer-gangster, who had bought off his last fighter. At a party given by Robinson, Morris, a bellhop at the hotel, gets into an argument with Bogart's fighter and knocks him out. Robinson is so impressed with his prowess that he decides to make a fighter out of him. And he is not disappointed, for Morris proves to be an excellent pupil, winning all his bouts. Miss Davis falls in love with Morris, but she knows that her love would not be returned, for he had fallen in love with Robinson's sister (Jane Bryan). She tells Robinson of her feelings and then leaves him. He is embittered and enraged, too, for he did not want his sister to become mixed up with a fighter. He signs Morris for the championship bout, knowing that he was not ready for it, and then bets all his money against him. He even tells Bogart what he was doing. Bogart bets a fortune on the fight, but warns Robinson that, if Morris should win, he would kill him (Robinson). During the bout, Robinson gives Morris the wrong pointers, putting him in a helpless position. Miss Davis, a spectator, rushes to Robinson and prevails upon him to change his tactics. Robinson starts correct coaching, and Morris wins. Bogart carries out his threat: he shoots Robinson, who dies in Miss Davis' arms.

Francis Wallace wrote the story, and Seton I. Miller, the screen play; Michael Curtiz directed it, and Sam Bischoff produced it. In the cast are Harry Carey, William Haade, Soledad Jiminez, Joe Cunningham, and others.

Adults will understand the relationship between Miss Davis and Robinson, but it is doubtful if children or adolescents will. However, it is mainly adult fare. Class B.

### "Wings over Honolulu" with Wendy Barrie, Ray Milland and Kent Taylor

(Universal, May 23; time, 77 min.)

Moderately entertaining program fare. It was made with the assistance of the United States Navy Air Service, and gives some interesting details as to the routine. The surrounding story is, however, familiar, and, since this version does not vary from the usual pattern, the audience knows in advance just what is going to happen. The hero and the heroine are pleasant characters, whose troubles will probably be understood by young married couples. One is in sympathy with them, even though at times their actions are somewhat childish:—

Wendy Barrie, a Southern belle, refuses the marriage proposal of wealthy Kent Taylor, a New Yorker, because she does not love him. She is looking for exciting romance, and it comes to her when Ray Milland, a Navy flyer, makes a forced landing on her estate. They fall in love at first sight, and marry a few days later. She follows him to Honofulu, where he had been stationed. There she tries to adjust herself to the simple type of living expected of petty officers' wives; she decides to show every one that, in spite of the fact that she came from a wealthy home, she could make the best of things. But Milland is kept away from home in the line of duty and Miss Barric becomes lonesome. She welcomes the unexpected arrival of Taylor, with whom she goes out despite Milland's request for her not to do so. She innocently becomes involved in a public brawl, and her

picture appears in the paper. Being ashamed, she decides to leave with Taylor so as not to ruin Milland's career. But Milland goes after hcr, crashing a Navy plane in his efforts. He is given a Navy trial, at which Miss Barrie's testimony wins him an acquittal. With the assistance of his pal, Milland prevents her from sailing away; they are reunited.

Milred Cram wrote the story, and Isabel Dawn and Boyce DeGaw, the screen play; H. C. Potter directed it, and E. M. Asher produced it. In the cast are William Gargan, Polly Rowles, Mary Phillips, and others.

Suitable for all. Class A.

### "Back Stage" with Arthur Tracy and Anna Neagle

(Gaumont-British, April 15; time, 65 min.)

Fair. Although there is nothing novel either in the story or its development, it should serve fairly well as a second feature, for it is light and has pleasant musical numbers; and the accents are not so objectionable. Practically all the action takes place in a theatre during a performance. In this way the musical numbers are worked into the plot in a logical manner. Arthur Tracy is not exactly the romantic type, but his voice is good and he sings often. The costumes worn by chorus girls in a certain number are somewhat vulgar:—

Anna Neagle, a chorus girl, is attracted by the voice of a man (Tracy) singing in the street in front of the theatre where she was rehearsing. When the leading singer suffers an attack of laryngitis on opening night, she rushes to the street and brings Tracy into the theatre where she asks him to sing for the manager. In a short time he learns the songs, and is ready to go on. The critical first night audience acclaims him, and fame comes to him over night. The friendship between him and Miss Neagle ripens into love; he refuses to cater to the wealthy women, who try to turn his head. Tracy leaves the show to study in Italy. When Miss Neagle reads the newspaper accounts of his forthcoming engagement to a wealthy society girl, she is heartbroken and refuses to see him when he returns. She is given the leading part in the musical show; but on opening night she is so frightened and discouraged that she cannot sing. Tracy, who had been standing in the wings, rushes to help her by singing with her. He explains that he had never had any intention of marrying any one but her. They are recon-

Laura Whetter wrote the story and screen play; Herbert Wilcox directed and produced it. In the cast are Tilly Losch and Jane Winton.

Morally suitable for all. Class A.

## "Hollywood Cowboy" with George O'Brien (RKO, May 28; time, 64 min.)

A good program Western. The story is somewhat different; yet it depends on the usual fast riding, shooting, and fist fights for its excitement. It also has comedy and a pleasant romance, and, for the most part, holds one in fair suspense. The hero employs a novel method in the closing scenes by which to outwit the villain and his henchmen; these scenes are the most thrilling:—

George O'Brien, a motion picture actor, finishes the "takes" for his newest picture in the Wyoming cattle country. Before going back to Hollywood, he decides to go on a hunting trip with Joe Caits, a Hollywood friend who was in legal difficulties. On the last night of their outing they innocently camp on the grounds of Maude Eburne's ranch, and are taken in custody as suspicious characters. Since no one recognizes O'Brien, he decides to follow the suggestion of Miss Eburne's niece (Cecilia Parker), with whom he had fallen in love, to work on their ranch, for owing to a strike, they were short-handed. Caits, objecting to the strenuous work, grumbles. Miss Eburne was hounded by a gang of racketeers, who were trying to force her to join their "protective" association; because she had refused to join, they were ruining her business. Miss Parker, who had fallen in love with O'Brien, is annoyed when his identity becomes known and orders him off the premises. But he redeems himself when he rounds up the gang of criminals, who had been molesting not only Miss Eburne but the other ranchers.

Dan Jarrett and Ewing Scott wrote the original screen play; Ewing Scott directed it, and George A. Hirliman produced it. In the cast are Frank Milan, Charles Middleton, Lee Shumway, and others.

Suitable for all, Class A.

### "Speed to Spare" with Charles Quigley, Dorothy Wilson and Eddie Nugent

(Columbia, May 4; time, 60 min.)

Ordinary program entertainment. It is made up mostly of stock shots showing automobile races, which become tiresome after a while. All the spectacular shots of cars going over embankments or catching on fire have been seen repeatedly, some in newsreels. The story is thin, and lacks excitement, except for the closing race, in which the hero and his brother compete. The hero is a pleasant character and one is in sympathy with his efforts to train his younger and impulsive brother to become an ace driver.

In the development of the plot, Charles Quigley (hero), a famous automobile racer, visits the orphanage where he had been reared and is happy to learn that the officials had traced the whereabouts of his brother (Eddie Nugent), from whom he had been separated as a child. He finds Nugent a daredevil racer of midget cars, disliked by every one. Without telling Nugent of their relationship, he offers to get him into big-time racing. At the same time he asks his fiancee (Dorothy Wilson) to be kind to him. Nugent is permitted to enter an Ascot race. His recklessness causes the death of one driver and injury to Quigley. When he boasts of his prowess to Miss Wilson, she upbraids him and tells him Quigley was his brother. Crestfallen, he goes to the hospital and begs for forgiveness from his brother. With Quigley as his mechanic, Nugent comes through in the next big race a winner.

Bert Granet and Lambert Hillyer wrote the original

Bert Granet and Lambert Hillyer wrote the original screen play. Lambert Hillyer directed it, and Ralph Cohn produced it. In the cast are Patricia Farr, Gene Morgan, John Gallaudet, and others.

Morally suitable for all. Class A.

### "They Gave Him a Gun" with Spencer Tracy, Franchot Tone and Gladys George

(MGM, May 7; running time, 93 min.)

Only fair. It attempts to arouse the audience against war; but it fails to do so, because it chooses a weak character as its example of what war does to a man. For that reason, instead of being a powerful melodrama, it is just a mild preachment; and if it were not for Spencer Tracy's usual excellent performance, it would fall flat. The triangle love affair is unpleasant, in that the heroine (Gladys George), through a misunderstanding, marries the weakling (Franchot Tone), instead of Tracy, whom she really loved. The closing scenes are fairly exciting; there Tone escapes from prison, his purpose being to kill his wife and Tracy. More than half the action takes place in the European war zone, with its familiar scenes of battle and of suffering:—

Tracy, a tough carnival man, and Tone, a timid country boy, enlist at the same time. During the training period, Tone is taught how to use his bayonet against the enemy. The shock of thrusting the bayonet through a dummy, supposedly the enemy, is too much for Tone, and he faints. Tracy takes him under his wing, and soon rids him of his timidity. While in France, Tone distinguishes himself in battle when he, sniping at the enemy, makes the capture of a machine-gun nest possible. Then he realizes the "value" of a gun and the power it gives a man. He is wounded and sent to the hospital, where he meets and falls in love with Miss George, a nurse. Tracy, too, loves her, and she returns his love. But when Tracy is sent back to battle and is reported missing, she promises to marry Tone. Tracy returns and learns what had happened; he pretends not to care for Miss George and even tells her he had a wife. Back in New York after the war, Tracy meets Tone, a changed manhe was sure of himself and too smart to please Tracy, who finds out that he was a gangster. In order to help him, he tells Miss George of Tone's activities; she is shocked and gives him away to the police in an effort to stop him from committing more crimes. Tone hates her for this, and broods about it while in prison. He escapes and follows her to Tracy's carnival, where she had gone for protection from Tone's mob, who were out to kill her. Tracy tells him that he was ruining Miss George's life. Tone, being deeply in love with her, and knowing that the place was surrounded by police, walks out in their path purposely to be shot at; he is killed.

William J. Cowan wrote the story, and Cyril Hume, Richard Maibaum and Maurice Rapf the screen play; W. S. Van Dyke directed it, and Harry Rapf produced it. In the cast are Edgar Dearing, Mary Lou Treen, and others.

Unsuitable for children. Adult entertainment. Class B.

### "Killers of the Sea" with Capt. Wallace Casewell, Jr.

(Grand National, May 8; time, 48 min.)

Being less than feature length, this should serve as a fair filler, where the first picture is particularly long. It should prove entertaining mostly to men.

The work that Capt. Casewell, Jr., does—that of fighting and killing sharks, whales, saw-fish, and other deep-sea killers, with bare hands, and a knife as his only weapon, is fairly exciting, because it is extremely dangerous.

There is some excitement where a diver is shown trapped by an octopus; Capt. Casewell dives down, fights off the monster, and saves his friend's life.

The scenes that show the crew spearing sharks and hauling them to the boat are interesting.

Frederick H. Wagner wrote the story, and Adrian Johnson, the screen play. Ray Friedgen directed it and produced it.

Morally suitable for all. Class A.

### "Venus Makes Trouble" with James Dunn and Patricia Ellis

(Columbia, May 14; time, 58 min.)

Mild program fare. The story is thin; and, since it is developed mostly by dialogue, and the outcome is obvious, it fails to hold the spectator's attention. The closing scenes are somewhat exciting, for there the hero, by his innocent participation in a fake real estate deal, finds himself in a predicament. The routine romance is pleasant:—

James Dunn, a small town promoter, feels that New York is the place for him. In company with Gene Morgan, a professional photographer, he leaves for New York. In a short time all their money is spent and they are reduced to eating peanuts. Patricia Ellis, Dunn's sweetheart, arrives to help the boys. Through an idea she proposes, Dunn becomes well known and is soon on the road to success. Astrid Allwyn, a model, introduces Dunn to Donald Kirk, a crook, who cleverly disposes of worthless Long Island property to Dunn. Feeling that their fortune would be made in this deal, Dunn and Miss Ellis marry. To their sorrow they learn they had been duped into buying swamp land. To add to their troubles, Dunn is indicted on charges of having sold worthless property. But Dunn has a good idea; he decides to turn the property into an "American Venice." This plan seems so good that not only is Dunn freed but the District Attorney and the jurors plead for shares in the company. Dunn and Miss Ellis are then free to go on their honeymoon.

Michael L. Simmons wrote the story and screen play; Gordon Wiles directed it. In the cast are Thurston Hall, Beatrice Curtis, and others.

Suitable for all. Suitability, Class A.

### "Night of Mystery" with Grant Richards, Roscoe Karns and Helen Burgess

(Paramount, May 21; time, 66 min.)

Mediocre! It is a poor remake of "The Greene Murder Case," produced by Paramount in 1929, with William Powell and Jean Arthur. The original held one in tense suspense, and provided many thrills, but this version has been made so sloppily that it lacks both excitement and plausibility. Audiences may laugh at some of the supposedly serious situations, because of poor handling. Besides this, the picture lacks star names.

In the development of the plot, Grant Richards (playing the part of Philo Vance), is called in by the police to help them solve the murder of a member of a wealthy family. During his investigation, two more members of the family are killed. Richards knows that the murders were committed by some one in the house, and naturally suspicion falls on several persons. He finally solves the murder by proving that Helen Burgess, who had been adopted into the family, had committed the murders, her purpose being to kill each one and then collect the entire family fortune for herself. Knowing that Richards had discovered her guilt, she kills herself.

S. S. Van Dine wrote the story, and Frank Partos and Gladys Unger, the screen play; E. A. Dupont directed it. In the cast are Ruth Coleman, Elizabeth Patterson, Harvey Stephens, June Martle, and others.

The murders make it unsuitable for children and adolescents. Adult fare, Class B.

"Midnight Taxi," with Brian Donlevy and Frances Drake, produced by Milton H. Feld, and directed by Eugene Ford, from a screen play by Lou Breslow and John Patrick: Fair.

"Step Lively, Jeeves," with Arthur Treacher, Patricia Ellis, and Robert Kent, produced by John Stone, and directed by Eugene Ford, from a screen play by Frank Fenton and Lynn Root: Fair.

"Fifty Roads to Town," with Ann Sothern and Don Ameche, produced by Raymond Griffith, and directed by Norman Taurog, from a screen play by William Conselman and George Marion, Jr.: Good to fair.

"Under the Red Robe," with Annabella and Conrad Veidt, directed abroad by Victor Seastrom: From fair to poor.

"It Happened Out West," with Paul Kelly and Judith Allen, produced by Sol Lesser, and directed by Howard Bretherton, from a screen play by Earle Snell and John Roberts: From fair to poor.

"Wake Up and Live," with Walter Winchell, Alice Faye, and Ben Bernie, produced by Kenneth Macgowan, and directed by Sidney Lanfield, from a screen play by Harry Tugend and Jack Yellen: From excellent to very good.

"That I May Live," with Rochelle Hudson, Robert Kent, and J. Edward Bromberg, produced by Sol M. Wurtzel, and directed by Allan Dwan, from a screen play by Ben Markson and William Conselman: From fair to poor.

"Cafe Metropole," with Loretta Young, Tyrone Power, and Adolphe Menjou, produced by Nunnally Johnson and directed by Edward H. Griffith, from a screen play by Jacques Deval: From very good to good.

"The Great Hospital Mystery," with Jane Darwell, Sally Blane, and Thomas Beck, produced by John Stone, and directed by James Tingling, from a screen play by Bess Meredyth, William Conselman, and Jerry Cady: Fair.

"Charlie Chan at the Olympics," with Warner Oland, and Katherine DeMille, produced by John Stone, and directed by H. Bruce Humberstone, from a screen play by Robert Ellis and Helen Logan: From good to fair.

Fifteen pictures are reported in this column, rated as follows: Excellent to Very Good, 1; Very Good to Good, 1; Good, 2; Good to Fair, 3; Fair, 4; Fair to Poor, 4. Adding to these all those that were reported in previous issues, we get the following results:

Excellent, 1; Excellent to Very Good, 3; Very Good, 3; Very Good to Good, 5; Good, 10; Good to Fair, 7; Fair, 11; Fair to Poor, 9; Poor, 1—in all 50 pictures.

The first 50 of the 1935-36 season, excluding the four O'Brien pictures, and "A Connecticut Yankee," which was a re-issue, were rated as follows:

Excellent, 9; Very Good, 2; Very Good to Good, 2; Good, 10; Good to Fair, 6; Fair, 12; Fair to Poor, 5; Poor, 4.

This season's box office performances have fallen considerably under the performances of the 1935-36 season.

### THE U. S. COURT'S DECISION ON CHAIN STORES TAX GIVES EXHIBITORS HOPE

On May 18, the U. S. Supreme Court rendered, as every one of you knows by this time, an important decision on the right of the states to tax chain stores under conditions that heretofore were thought impossible: a state may now tax each store of a chain store organization located within the state, at a rate graduated in accordance with the entire number of stores the company owns, even though many of such stores may be outside the boundaries of the state.

Sometime ago, the State of Louisiana passed a law taxing \$550 a store, if the total number of stores a company owned was five hundred or more, regardless of where such stores were located—whether they were within or without the state of Louisiana. It is upon this law that the Supreme Court of the United States rendered a decision on May 17.

Justice Roberts, speaking for the majority of the court, said partly the following:

"If, in the interest of the people of the state, the Legislature deemed it necessary either to mitigate evils of competition as between single stores and chains or to neutralize disadvantages of small chains in their competition with larger ones, or to discourage merchandising within the state by chains so large as to become a menace to the general welfare, it was at liberty to regulate the matter directly or to

resort to the type of taxation evidenced by the act of 1934 as a means of regulation."

The advantages this decision places into the hands of independent exhibitors are incalculable. Assuming that a chain owns 50 theatres within the boundary of your state and 450 in other states; assuming again that the combined theatres of that chain in your state have 100,000 seats; assuming still further that the tax bill calls for \$5 per seat when the number of theatres a chain owns reach the number of five hundred, you may readily see for yourself what an equalization such a law can effect in your state as between independent exhibitors and chains with large holdings. In such a case, "buying power," if it becomes too large, will be a disadvantage rather than an advantage. And don't forget that in a previous decision the U. S. Supreme Court decided that a state may make the tax on chain stores anything that public welfare demands, even if such a tax may put these stores out of business.

Prompted by this latest U. S. Supreme Court decision, Allied States Association issued the following statement:

"As a result of recent decisions of the courts Allied leaders are preparing to present to the exhibitors at the Milwaukee convention on May 26-28 a revised and enlarged program for combatting chain competition which it is believed will be even more effective than the divorcement law which is now being sponsored.

"This does not mean that it is proposed to abandon the divorcement law in States where it has been passed or is still under consideration or in territories where due to local conditions it might be preferred to the new measures now being devised.

"The new measures will have these advantages: Their validity will be beyond question and their operation can not be delayed by protracted litigation; they will produce revenue for the States and hence will appeal to legislatures now seeking new forms of taxation; they can be made to include certain so-called independent chains now committing depredations comparable with those of the affiliated chains.

"A record breaking convention now seems assured and it is expected that the new strategy, while marking no departure from Allied policy, will prove a sensation."

When many of you read this issue, the writer will be in Milwaukee, attending the Allied States Convention, helping in the shaping of Allied policies that may soon bring relief to the harrassed independent exhibitors. There has never been a time as now when solidarity among the independent exhibitors could work to better advantage.

# SOUTHERN CALIFORNIA EXHIBITORS JOIN CAMPAIGN AGAINST PARAMOUNT

Independent Theatre Owners of Southern California joined the Cleveland exhibitors in condemning Paramount for withholding 1936-37 pictures from the contract holders, to sell them in the 1937-38 season. They passed a resolution to that effect at a meeting of the organization on May seventeen. It is the same resolution as that passed by the Cleveland exhibitors, only that the secretary has been instructed to send a copy of the resolution also to Mr. A. Law, representative of the Department of Justice, who has been in Los Angeles for some time.

This matter will receive the attention of the exhibitors in Milwaukee, at the same time when Columbia's withholding of "The Lost Horizon" will be taken up.

I have been asked by contract holders whether anything can be done to compel Paramount to deliver the withheld pictures. Nothing can be done legally, but morally something may be done, provided you join with others to bring on Paramount moral pressure. For years the major producers have made it a practice to withhold from the contract holders choice pictures. Something ought to be done to put an end to such an unfair, unjust and unethical act, and I believe the first united action will be taken in Milwaukee.

If you have not yet sent your protest to Mr. Adolph Zukor, do so at once. You may reach him at the Paramount Studio, 5451 Marathon Street, Hollywood, California.

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### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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No. 23

### Box-Office Performances of 1936-37 Season's Pictures - No. 3

### **United Artists**

"History Is Made at Night," with Charles Boyer, Jean Arthur and Leo Carrillo, produced by Walter Wanger and directed by Frank Borzage, from an original and screen play by Gene Towne and Graham Baker: Very Good to Good.

"Elephant Boy," an English-made picture, produced by Alexander Korda and directed by Robert Flaherty and Zoltan Korda: Good to Fair.

"A Star Is Born" (in natural color), with Janet Gaynor and Fredric March, produced by David O. Selznick, and directed by William Wellman, from a screen play by Dorothy Parker, Allan Campbell, and Robert Carson, based on an original by William Wellman and Robert Carson: Excellent.

Three pictures are reported in this column, rated as follows: Excellent, 1; Very Good to Good, 1; Good to Fair, 1. Adding to these the twelve that were reported previously, we get the following results:

Excellent, 1; Very Good to Good, 3; Good, 5; Good to Fair, 3; Fair, 1; Fair to Poor, 1; Poor, 1—all together, 15 pictures.

In the 1935-36 season, this company released only 14 pictures. These were rated as follows:

Very Good, 2; Very Good to Good, 4; Good, 1; Good to Fair, 1; Fair, 3; Fair to Poor, 2; Poor, 1.

This season's pictures have shown better box office performances.

### Universal

"Girl Overboard," with Gloria Stuart and Walter Pidgeon, produced by Robert Presnell, and directed by Sidney Salkow, from a screen play by Tristram Tupper: Fair to Poor.

"We Have Our Moments," with James Dunn, Sally Eilers, and Mischa Auer, produced by Edmund Grainger, and directed by Alfred Werker, from a screen play by Bruce Manning and Charles Grayson: Fair.

"When Love Is Young," with Virginia Bruce and Kent Taylor, produced by Robert Presnell, and directed by Hal Mohr, from a screen play by Eve Greene and Joseph Fields: Fair.

"Let Them Live," with John Howard, Nan Grey and Judith Barrett, produced by Edmund Grainger and directed by Harold Young, from a screen play by Bruce Manning and Lionel Houser: Fair.

"Top of the Town," with George Murphy and Doris Nolan, produced by Lou Brock, and directed by Ralph Murphy, from a screen play by Brown Holmes and Charles Grayson: Good.

"Night Key," with Boris Karloff, Warren Hull, and Jean Rogers, produced by Robert Presnell, and directed by Lloyd Corrigan, from a screen play by John C. Moffitt: Fair to Poor.

"California Straight Ahead," with John Wayne, Louise Latimer, Robert McWade, Theodore von Eltz, and Tully Marshall, produced by Paul Malvern, and directed by Arthur Lubin from a screen play by Scott Darling: Fair to Poor.

Seven pictures are reported in this column, rated as follows: Good, 1; Fair, 3; Fair to Poor, 3. Adding to these the 15 pictures that were reported in previous issues, we get the following results:

Excellent, 1; Excellent to Very Good, 1; Good, 2; Good to Fair, 1; Fair, 9; Fair to Poor, 8—in all 22 pictures.

In the 1935-36 season Universal delivered only 22 pictures. These were rated as follows:

Very Good, 1; Very Good to Good, 2; Fair, 8; Fair to Poor, 7; Poor, 4.

The 1936-37 season's pictures of this company have performed better at the box office.

### Warner Bros. Pictures

"The King and the Chorus Girl," with Fernand Gravet, Joan Blondell, and Alan Mowbray, produced and directed by Mervyn LeRoy, from an original and screen play by Groucho Marx and Norman Krasna: Good.

"Call It a Day," with Ian Hunter, Frieda Inescort, Olivia de Haviland, Walter Woolf King, Bonita Granville, and Peter Willis, directed by Archie Mayo, from a screen play by Casey Robinson: Fair.

Adding to these two those that have been reported in previous issues, we get the following results:

Very Good to Good, 3; Very Good to Poor ("Midsummer Night's Dream"), 1; Good, 1; Good to Fair, 4; Fair, 6; Fair to Poor, 1—in all, 16 pictures.

The first 16 of the 1935-36 season were rated as follows: Very Good, 1; Good, 4; Good to Fair, 3; Fair, 4; Fair to Poor, 4.

Not very much difference in the box office performances of the two seasons.

### Warner-First National Pictures

For the benefit of those who have bought both the First National as well as the Warner Bros. groups of pictures, the ratings of the pictures of both companies are grouped; they are as follows:

Up to and including the First National picture, "Mountain Justice," and up to and including the Warner Bros. picture, "Call It a Day," both of the 1936-37 season, there have been released 33 pictures; they are rated as follows in their respective columns:

Very Good to Good, 5; Very Good to Poor, 1; Good, 4; Good to Fair, 8; Fair, 8; Fair to Poor, 5; Poor, 2.

The first 33 pictures of the two programs for the 1935-36 season (the First National, 17 pictures, up to "Bullets and Ballots," rcleased June 16, and Warner Bros. 16 pictures, up to "Walking Dead") were rated as follows:

Excellent, 2; Very Good, 3; Very Good to Good, 1; Good, 4; Good to Fair, 7; Fair, 10; Fair to Poor, 4; Poor, 2.

The box office performances of the 1936-37 season's pictures of the two programs combined fell under those of the 1935-36 season considerably. In the higher allocations, there were two excellent pictures in the 1935-36 season, but there has been none this season; there were three pictures of Very Good rating in the 1935-36 season, but there has not been even one this season. Only in the Very Good to Good ratings has there been a slight improvement—5 this season, whereas there was only one last season.

In the lower allocations, there has been no improvement.

## THE ALLIED CONVENTION IN MILWAUKEE

The Allied States Convention came off in Milwaukee last week as per schedule.

As predicted, the convention was successful both from the point of view of enthusiasm as well as of numbers. As a matter of fact, the number of exhibitors was so great that many of them had to be accommodated in other hotels.

Several important decisions were taken, some of them put in the form of resolutions. Resolution No. 1 covered (1) percentage playing of all types; (2) compulsory designa-

### "Woman Chases Man" with Miriam Hopkins and Joel McCrea

(United Artists, May 7; running time, 71 min.) The satisfaction this picture will give will depend entirely on whether the house will be full, half-full, or practically empty. If the theatre should be full, the satisfaction will be good; if half-full, fairly good, and if practically empty, about fair. It seems as if the story was not worth the fuss Sam Goldwyn made about it, disagreeing with everybody and releasing writer after writer, and director after director, and even stars, who all thought that the story was not a good one. In many spots there are hearty laughs. A substantial portion of the action takes place on a magnolia tree, where many of the laughs occur.

The story deals with Virginia Travis (Miriam Hopkins), an architectural student, who applies for a job to B. J. Nolan (Charles Winninger), who planned to build a model suburb. But Nolan is broke, and when his son Kenneth (Joel McCrea), worth a million, refuses to help him, he proceeds to use Virginia to make him loosen up the purse strings. Though she runs up against obstacles, she succeeds, in both ways, to get the money from him for his father and to win his love.

The plot has been founded on an original by Lynn Root and Frank Fenton; it was produced by George Haight for Sam Goldwyn, and directed by John G. Blystone, from a screen play by Joseph Anthony, Manuel Seff, and David Hertz. Erik Rhodes, Leona Maricle, Ella Logan and others are in the supporting cast.

Good for the entire family. Class A.

### "This Is My Affair" with Barbara Stanwyck, Robert Taylor and Victor McLaglen

(20th Century-Fox, May 28; time, 99 min.) If it weren't for the fact that Taylor and Miss Stanwyck are starred, this would be just a fair melodrama with musical interludes. But with these two stars, the box-office value of the picture is naturally enhanced. The story has been used many times, except that in this instance it is set in the period of 1901. The old-fashioned background is portrayed amusingly-with its noisy type of music hall entertainment, frilly dress, and slangy expressions. There are interesting portrayals of many well-known characters of those times. The closing scenes are the most exciting. There Taylor, a secret service agent whose identity had been known only to President McKinley, is in danger of being executed as a criminal. The development of the romance should appeal to the masses. Most of the comedy is provoked by Victor McLaglen, who enjoyed playing

practical jokes on every one he met:

Naval Lieut. Richard Perry (Robert Taylor) is assigned by President McKinley (Frank Conroy) to the important job of running down a gang of bank robbers, who had been terrorizing the country. His mission is kept a secret, to be known only to the President, who suggests that when Perry sends letters he mark the envelope with a symbol. In this way the President would know the letter had come from him. Perry resigns from the Navy and starts on his work. His search brings him to the music hall owned by Batiste Duryea (Brian Donlevy) and Jock Ramsay (Mc-Laglen), where Lil Duryea (Miss Stanwyck) was chief entertainer; he finds out that Duryea and Ramsay were the bank robbers. By pretending to be a crook with a record, he gets into their good graces and is made a member of the gang. In the meantime, he falls in love with Lil, who pleads with him to leave the gang. Perry tips off the President about the next bank robbery; naturally the place is surrounded by federal agents. Duryea is killed, and Ramsay and Perry arrested. They are sentenced to be hung. By filling him with terror, Perry finally coaxes from Ramsay the name of the man at the head of the gang-a government official. He sends a letter with this information to the President; but McKinley is assassinated and no one would believe Perry's story. He pleads with Lil to go to President Roosevelt (Sidney Blackmer), but she, disgusted at learning that he was a stool pigeon and the cause of her brother's death, refuses. She relents at the last moment and thus saves his life; she returns to the music hall without seeing him. He follows her and wins her

Allen Rivkin and Lamar Trotti wrote the original screen play. William A. Seiter directed it and Kenneth Macgowan produced it. In the cast are John Carradine, Alan Dinehart, Douglas Fowley, and others.

The bravery of Perry is a more important factor than the activities of the gangsters; for that reason it is suitable for all. Class A.

### "Pick A Star" with Patsy Kelly and Jack Haley

(MGM, May 21; time, 681/2 min.)

This hodge-podge of comedy and music is just mild entertainment. The story is so weak that at times it seems as if the director did not have enough material in the script with which to continue and had to insert comedy sequences, entirely irrelevant to the story, in order to drag the picture out to feature length. For instance, Laurel and Hardy appear in two skits that have absolutely nothing to do with the story. Even the lavish musical number that was inserted seems to have been "stuck" in for no reason other than to add length. Mischa Auer and Patsy Kelly do the best they can in their comedy roles, and manage to provoke some laughter; they practically save the picture from mediocrity. The mild romantic interest is not to be taken seriously. After having appeared to such advantage in "Wake Up and Live," this is a distinct comedown for Jack Haley:—

Haley, in love with Rosina Lawrence, Miss Kelly's sister, is heartbroken when he learns that the promoter of a beauty contest in their small town had absconded with the prize money just before Miss Lawrence had been pronounced the winner. He felt that she had talent and with the prize money could have gone to Hollywood and made a name for herself. He decides to sell his business, go to Hollywood himself, and try to pave the way for Miss Lawrence. When a plane bound for the Coast is forced down in their town, Miss Lawrence and Miss Kelly invite the passengers to their home; among them is Mischa Auer, a famous motion picture star. Two passengers refuse to go further in the plane and give their tickets to the sisters. Auer induces them to continue the flight with him. They are shocked to learn upon their arrival in Hollywood that Haley was a bus boy and not a successful business man, as he had led them to believe. With the help of Auer, Miss Lawrence is given a screen test. Because of fright, she at first sings poorly; but Haley runs to her side, and by inspiring her helps her to give an excellent performance. The producers sign her up. She tells Haley she will never again doubt him.

Richard Flournoy, Arthur Vernon Jones, and Thomas J. Dugan wrote the original screen play; Edward Sedgwick directed it, and Hal Roach produced it. In the cast are Lyda Roberti, Charles Halton, Tom Dugan, and others.

Suitable for all. Class A.

### "Angel's Holiday" with Jane Withers, Robert Kent and Sally Blane

(20th Century-Fox, June 4; time, 701/2 min.)

Mildly entertaining. Where Jane Withers is liked, it will go over, for she is at her best and dominates the picture. But even her talents cannot hide the plot defects, which are many. And so, for those who are not her fans, this will prove tiresome, for the story is extremely silly. Jane is good in her part; she does an excellent imitation of Martha Raye, which should amuse spectators. A few of the situations are amusing; the scene where Jane opens the cap of a tear gas bomb, flooding the court house with gas and causing every one to cry, is one such situation. There is some mild excitement in the closing scenes where Jane outwits the crooks:

Jane, daughter of a writer of detective stories, is interested in doing detective work. She imagines that every one is a mysterious character. Through a conversation she overhears on a train, while on her way to visit her uncle, she learns of a fake kidnapping plan engineered by Ray Walker, publicity agent for Sally Blane, a motion picture actress. She in turn gives this information to Robert Kent, a reporter on her uncle's newspaper. When Kent finds out that Miss Blane was none other than his former hometown sweetheart, he decides not to expose her. But Jane, who imagined herself to be in love with Kent, is jealous and turns the story in; Miss Blane is furious. But she is actually kidnapped by Harold Huber and his gang, and Jane, who had been visiting her, is taken along. Through a ruse, Jane outwits the crooks, causing their arrest. Miss Blane is saved by Kent. Jane realizes that she had "lost" Kent, who was in love with Miss Blane.

Frank Fenton and Lynn Root wrote the original screen play; James Tinling directed it, and John Stone produced it. In the cast are Joan Davis, Frank Jenks, John Qualen,

Suitable for all. Suitability, Class A.

### "The Man In the Mirror" with Edward **Everett Horton and Genevieve Tobin**

(Grand Nat'l, April 24; time, 71 min.)
This British-made picture will prove only mild entertainment for American audiences. For one thing, the farfetched story has been handled poorly, and at times is so confusing that the average spectator will not know what it is all about. And it is pretty sexy in spots, owing to the efforts of a married woman to become intimate with the married hero. The situation in which he succumbs leaves no doubt in one's mind as to what had happened:-

Horton, a timid soul, is henpecked by his wife (Genevieve Tobin), and bullied by Garry Marsh, his business partner. He is pursued by Marsh's wife (Ursula Jeans), who tries to force her attentions on him; but he, being in love with his wife, refuses to have anything to do with her. One night, while looking into the mirror, he sees his reflection step out of the mirror. His reflection is a personality directly opposite to himself-forceful, sure of himself, and arrogant. This reflection proceeds to change Horton's life, first by putting his wife and his nagging mother-in-law in their place; and next by taking the business reins in his hands. And furthermore he has an affair with his partner's wife. Eventually the reflection goes back to its proper place, leaving enough of his self-confidence with Horton to make a real man of him.

William Garett wrote the story and F. McGrew Willis, the screen play; Maurice Elvey directed it and Julius Hagen produced it. In the cast are Aubrey Mather, Alistair Sim, and others.

Unsuitable for children and adolescents. Adult fare.

Class B.

### "Charlie Chan at the Olympics" with Warner Oland

(20th Century-Fox, May 21; time, 70 min.) Good. It offers the usual type of comedy and mystifying intrigue the Chan pictures are noted for; the romantic appeal is, however, subdued and has little bearing on the plot. This time Chan is assisted not only by what he terms his number one son (Keye Luke), but by his number two son, delightfully played by twelve-year-old Layne Tom, Jr.; audiences are going to take this child to their hearts and will eagerly await his next picture.

While on a fishing trip with his number two son, Chan comes upon a wrecked United States government plane. When the officials arrive, he learns that a government flier had been testing a robot piloting invention; later he finds the body of the murdered flier. Government officials ask Chan to cooperate in finding the spy ring responsible for the murder and for the theft of the invention. His investigations lead him to Berlin. There he receives several threatening letters warning him to give up the case; but he continues the search. Two spy rings are involved in the murders. Chan accidentally finds the invention and hides it. Knowing that he had it, the spies kidnap his son (Luke) and threaten him with death unless he turned the invention over to them. By a ruse, he outwits the spies, rounds them and their leader up, and rescues his son. He then settles down to having a good time at the Olympics watching his son compete in swimming races.

Paul Burger wrote the story, and Robert Ellis and Helen Logan, the screen play; H. Bruce Humberstone directed it. In the cast are Katherine deMille, Pauline Moore, Allan Lane, C. Henry Gordon, and others.

The murders make it unsuitable for children. Good for adults. Class B.

## "The Devil Is Driving" with Richard Dix and Joan Perry

(Columbia, May 21; time, 68 min.)

A fair program melodrama, centering around reckless automobile driving. The scenes showing Elisha Cook, Jr., driving his car in a drunken condition at a reckless pace, bringing about the death of two persons on two different occasions, are thrilling but unpleasant. The fact that Richard Dix undertakes to help the young man out of his first predicament, even by permitting witnesses to perjure themselves, will probably not be resented by audiences, because Dix is shown doing this to help the boy's father, an intimate friend, and further because he felt that nothing could be gained by ruining the boy's life. One is, therefore, in sympathy with Dix when he, as District Attorney, while prosecuting Cook for murder again, as a result of driving while drunk, finds that he is up against a case similar to the one he had prepared for the boy at his first trial. The fact

that Dix sacrifices his career in order to bring about justice makes one feel all the more sympathy for him; he draws up and signs an affidavit giving all the facts of the trial in which he had represented Cook before he was District Attorney, and in which he had perjured himself. This breaks down Cook, who admits his guilt. Although Dix knows that he had ruined his career, he is happy for his actions had brought back to him Joan Perry, the woman he loved, who had left him when he had taken the case for Cook; she had felt that Dix had taken it only to further his political career.

Lee Loeb and Harold Buchman wrote the story, and Jo

Milward and Richard Blake, the screen play; Harry Lachman directed it. In the cast are Nana Bryant, Ian Wolfe, Henry Kolker, Frank Wilson, and others.

Morally suitable for all. Class A.

## "Under the Red Robe" with Annabella and Conrad Veidt

(New World-20th Century-Fox, May 21; time, 81 min.)

This foreign-made costume melodrama will direct little appeal to American audiences. The action is slow, the players are not box-office draws, and the story of court intrigue with its false heroics is commonplace. There is no human appeal. The closing scenes are somewhat exciting. The action takes place in France during the rule of Cardinal Richelieu:-

Gil de Berault (Conrad Veidt), an adventurous follower of the Cardinal (Raymond Massey), is arrested for fighting a duel against the Cardinal's orders, and sentenced to be hung. But his life is spared when the Cardinal finds that he needs a clever man to trap the fugitive rebel Duke of Foix (F. Wyndham Goldie), who had been stirring up trouble against the King. By a clever ruse, de Berault gains admission to the Duke's castle, where he meets and falls in love with Lady Marguerite (Annabella), the Duke's sister; she suspects him of being a spy, but he soon convinces her otherwise. When the Duke returns to his castle, de Berault is compelled to tell the truth and place the Duke under arrest. Lady Marguerite is heartbroken. De Berault, unable to hurt the woman he loved, frees the Duke on condition that he leave the country; he then returns to the Cardinal, expecting him to issue orders for his execution. Lady Marguerite follows him; she pleads with the Cardinal to spare his life. He consents and gives his blessing for their marriage, permitting them to live at her brother's

Stanley J. Weyman wrote the novel from which it was adapted, and Lajos Biro, Philip Lindsay, and J. L. Hodson, the screen play; Victor Seastrom directed it and Robert Γ. Kane produced it. In the cast are Romney Brent, Sophie Stewart, Lawrence Grant, and others.
Morally suitable for all. Class A.

### "Dreaming Lips" with Elisabeth Bergner (United Artists, May 28; time, 71 min.)

An unwholesome drama, slow-moving and depressing. Its main attraction is Elisabeth Bergner; by virtue of a superb performance, she is able to partly overcome the distastefulness of the part assigned to her and even awaken one's sympathy to some extent. But the picture is limited in its appeal; the masses will be bored by the heroine's emotional conflict, which is the basis of the story, for she is a difficult character to understand—one moment she is shown extremely happy with her husband (Ronney Brent), and the next madly in love with another man (Raymond Massey), a musician friend of her husband's. In the face of her husband's devotion, her unfaithfulness is puzzling. Naturally one's sympathies are entirely with him. There are a few situations that stand out because of Miss Bergner's artistic acting—one situation where, Miss Bergner, having dreamt that she had poisoned her ill husband, awakens sobbing, clinging to her husband and begging him to forgive her. One unpleasant situation is where she returns to her ill husband, after having been with her lover, and, in order to cover her shame and emotional stress, tries to be gay. The ending is depressing; being unable to leave her devoted husband, who depended on her for his happiness, and at the same time to satisfy her lover's demands,

Carl Mayer adapted it from Henri Bernstein's stage play "Melo." Paul Czinner directed and produced it. In the cast are Joyce Bland, Sydney Fairbrother, Fisher White, and other

she kills herself.

Unsuitable for children and adolescents. Adult entertainment, Class B.

tion of play-dates on preferred playing time; (3) weekly payment of shorts; (4) withholding of choice pictures from a given season, using them as an inducement for the purchase of the following season's product; (5) failing to deliver the low allocation pictures when the full number of higher allocation pictures are delivered, thus causing the exhibitor's "average" to rise higher, and (6) compulsory block-booking and blind-selling. All these vicious practices, the resolution said, tended to divert the earnings of the independent exhibitors into the pockets of the producer-distributors in increasing amounts.

The resolution then called upon every independent exhibitor to join in a concerted effort to resist these practices by (a) exercising strong sales resistance when buying for the 1937-38 season; (b) showing co-operation among one another, climinating distrust; (c) taking the public into their confidence as to the aforementioned vicious practices through trailers, house organs, addresses to public groups—such as religious, welfarc, and educational societies, thus furthering the work Allicd States Association is doing nationally; (d) lending support to Allied's effort to pass the Hobbs resolution, known as House Res. 160, the aim of which is to bring about an investigation of the motion picture industry; and (e) giving their whole-hearted support to the Neely-Pettengill Bill against compulsory blockbooking and blind-selling, by calling upon their Senators and their Congressmen to support this Bill and inducing prominent citizens of their communities also to call upon their Congressmen, with the same object in view.

Another resolution condemned Columbia for withholding "Lost Horizon," and urged the exhibitors to bear their losses in mind when the Columbia salesmen call on them for their next scason's product.

Still another resolution condemned Paramount for withholding eight or ten choice pictures from the 1936-37 season, placing them in the 1937-38 season's group.

The most important decision taken, however, was about introducing legislation taxing chain theatres. The U. S. Supreme Court's decision on the Louisiana law taxing chain stores on a graduated scale, with the rate applied to the stores owned by a given company nationally, and not within the state alone, opened up a way, Mr. Myers said, to bring relief to the small independent exhibitors. Mr. Myers stated that, whereas a theatre divorce bill would bring relief to independent exhibitors if they are competitors to affiliated theatres, it would bring no relief when such exhibitors are competitors of independent chain theatres; and, as he pointed out, in most instances the independent chains were worse than the affiliated chains.

But though he asked the exhibitors present to turn their attention also to the independent chains, he did not advocate the abandoning, or even moderating, of the campaign the Defense Committee has been carrying on for the passing of theatre divorce bills in as many states as is practicable: the chain theatre tax will be an addition to these efforts.

A chain theatre tax bill, it was pointed out, will have good chances of going through, for two reasons: first, you will be asking the state, not to eliminate taxation, but to impose a tax; and secondly, the organizations of other businesses, such as the grocery men's, the druggists', and others, will be eager to join hands with you.

As to the first, it is hardly necessary for any one to point out the fact that most state legislatures will be too eager to grasp upon such a recommendation, for the expenses of states are constantly mounting and the legislators are racking their brains to find new revenue sources. As to the second, Mr. Myers told me that the organizations of other businesses have already assured him that they will gladly join hands with the exhibitors on a fight against theatre chains.

Great tribute was paid to Al Steffes for his success in putting the famous theatre divorce bill through the North Dakota legislature. In this tribute joined also the Governer of North Dakota himself, who was present at the banquet, Thursday evening. The Governor said some very nice things about him.

Another leader who received the thanks of the convention was Col. A. H. Cole, for the work he did on the Allied Petition to the House Committee on the Judiciary, and on the Hobbs resolution to investigate the industry.

As a gesture of sincerity and temperate thinking, Mr. Steffes proposed that the Exhibitor Defense Committee be empowered, before proceeding with the legislative program any further, to sound out the producers if they want to get together with the cxhibitors to settle matters without

a resort to legislation. But he put some conditions—that the conferences take place with the heads of the companies, and not with either subordinates, or intermediaries. The Defense Committee, he said, will confer only with Mr. Zukor, for Paramount, for example, with Nick Schenck, for Locw's, Inc., and so on.

# MR. ZUKOR'S EXPLANATION ON THE EXHIBITOR-PARAMOUNT CONTROVERSY

In connection with the resolution against Paramount, which was passed at the Milwaukee convention, as related elsewhere in this issue, allow me to say that Mr. P. J. Wood, chairman of the convention, had sent a letter to Mr. Neil Agnew, general manager of Paramount, condemning the Paramount act and asking for an explanation. Mr. Agnew informed him that he had referred the matter to Mr. Zukor.

On the second day of the convention, Mr. Wood received a communication from Mr. Agnew with a three-page copy of a form letter Mr. Zukor has been sending to those exhibitors who have protested against the unjust act on the part of Paramount.

The letter is so long, and says so little about the controversy, that I am content to give you only an extract—the only part of the letter that refers to the issue. (Ninety-five percent of the letter is devoted to boosting Paramount pictures and his [Mr. Zukor's] own efforts to improve Paramount product.)

"The situation with reference to these pictures," Mr. Zukor said, "is as follows: 'SOULS AT SEA' and 'HIGH, WIDE AND HANDSOME' have been in production all year and have only just been completed in so far as camera work is concerned. There is yet considerable work to be done on them and much money to be expended. We have expended a tremendous amount of money in the production of these outstanding attractions, and they will not be fully completed for some time; then it is our intention to show them at advanced prices in a few key spots only for the purpose of giving them the additional exploitation and publicity which their cost and merit warrant. We feel that this method of handling these pictures will prove to our mutual benefit and advantage. Those exhibitors who deal with us year in and year out will have the opportunity of contracting for them under next season's contract, and they will receive them with added value of a big exploitation and publicity campaign to herald their coming."

Mr. Zukor's statement that the two pictures mentioned are not yet completed is at variance with the statement his home office made in the printed document that was handed out at the MPTOA convention at Miami, Florida, last February. In that pamphlet, Paramount said that these two pictures were already completed.

For the sake of argument, however, let us assume that "there is yet considerable work to be done on them": the letter was written about three weeks ago; that is, about the first week in May. The 1936-37 season does not end, in accordance with the Paramount contract, until August 1—three full months. Certainly the great Paramount studio could have completed the editing of these pictures during this period of time, and have delivered them to those to whom they were promised in the 1936-37 season. But Mr. Zukor prefers to take these pictures away from those who are entitled to them, so that his salesmen may demand more money from them.

But Paramount, though it is withholding choice 1936-37 season's pictures which belong to the high-allocation group, has not hesitated to deliver the full number of "A" and "B" allocation pictures. To do this, it was compelled to place in the "A" and the "B" groups pictures of inferior quality. In this manner, the exhibitor gets it both ways, coming and going, for not only does he lose choice pictures, but he is compelled to exhibit on the high allocation groups some pictures that no doubt belong to the "C" group.

Mr. Zukor gives as part excuse the fact that these pictures have cost a great deal of money. When the exhibitor buys the Paramount pictures in the beginning of each season, he is made by its salesmen to believe that big money will be expended on all Paramount pictures. Besides, the exhibitors may retort by reminding Mr. Zukor that the 1935-36 season's Paramount pictures were atrocious—the entire program fell far below the standard even of lesser companies. Why couldn't Mr. Zukor, then, give his customers a chance to make up the losses they sustained from his pictures that season? It would be the only decent thing that Paramount could have done.

### EPOL ARRISON'S

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### FORECASTING THE 1937-38 PICTURES

By the time your copy of this issue reaches you, forecasts for the novels, stage plays, and magazine stories that have been announced by Warner-First National and Universal for production in the 1937-38 season will have been printed and ready for mailing.

The accuracy of the forecasts for the 1936-37 season has been, as you no doubt have read in the second section of the May 22 issue, 82%. In other words, eight out of each ten works (novels, stage plays or magazine stories) that the major companies announced last summer and produced turned out as predicted.

The information conveyed by the Forecaster is invaluable to an exhibitor; it places him on the same footing as the salesman. Each salesman has already been supplied with printed information as to what his company offers. When the calls on you, he is able to carry on a discussion as to the merit of his company's product convincingly, unless of course, you, too, are supplied by your "home office" with accurate information as to what the possible quality of the pictures that that salesman offers will be; and since you have no home office the Forecaster can act as one for you.

Some of you may not have seen copies of the Forecaster and have no idea how valuable to an exhibitor it is. For this reason I am copying parts of two forecasts of Universal works, which will appear unabridged in the Forecaster section dealing with Universal forecasts:

The following is said about "Mad About Music":

Under "Comment": "It seems as if the story was made to order for Miss Durbin; it has everything 'Three Smart Girls' had and perhaps more. There is comedy, a charming romance, human interest, action and suspense, and, more-over, music, the kind that gives Miss Durbin an opportunity to display her talents.

Under "The Editor's Opinion": "Advance publicity states that the picture will be produced by Mr. Pasternak, who produced Miss Durbin's first picture, 'Three Smart Girls,' and will be directed by the same director, Mr. Koster. Such being the case, no exhibitor need fear assuming that the picture will turn out of the same quality as 'Three Smart Girls,'

and even better. From very good to excellent."

On the other hand, the following was said about "Behind the Mike":

'Comedy-romance, Theme: The manager of a run-down small-town radio station makes the station a financial success when he tells the world that the station's owner, who had gone out of town to avoid the creditors, had been kidnapped, thus arousing the interest of the public and of the representatives of a big chain of radio stations, who were in town to buy one of the two local stations. . . .

Under "Comment": "Since Lou Brock, producer of 'Top of the Town,' is going to produce this picture, he will, no doubt, produce it on a lavish scale. But his success will be less than that of 'Top of the Town,' for the story is inane. There is no human interest, and nothing novel. Lavish settings representing the broadcasting station, and studio numbers of girls singing and dancing alone, cannot put a picture over, unless the tunes catch the public's fancy. And we haven't any guarantee to that, if we are to judge by Brock's results in 'Top of the Town.'"

Under "The Editor's Opinion": "Universal will do well to abandon production of this story, if it intends to produce it as other than 'B' feature. Unless radically altered, the story cannot make any more than a fair to fairly good picture, perhaps of a program grade raised to the level of a pretty big picture by lavish expenditure of money.

Similar will be the forecasts of the announced works of other companies; they will be scrutinized for their possible picture values, and the results will be given as frankly.

You will admit, I am sure, that information of this nature is invaluable when negotiating for the purchase of pictures.

The salesmen may, of course, counter your intelligent arguments by saying to you: "How can Harrison's Forecaster tell how the story will be changed? After all, this is only the story in the raw, and before 'shooting' begins many changes will be made."

Your answer could be that, if any alterations were contemplated, they would have been made before the story was given out. At any rate, the Forecaster has been pretty accurate for the six years of its existence; it has never failed to pick right fewer than eight out of ten works announced.

If you have not yet received a subscription blank, ask for one; the terms appear in it.

### HOW CALIFORNIA'S BLOCK BOOKING **BILL IS HANDLED!**

For a long time I wanted to tell you of the method the Southern California exhibitors are employing to put over the bill against block booking and blind selling, which was introduced in the legislature of that state early this year, but I could find no opportunity to do so. There is no better opportunity than that which has presented itself this week.

Independent Exhibitors of Southern California and Arizona printed sets of cards, possibly ten different kinds, and distributed each set on stated intervals to its members, carrying propaganda in favor of the bill, with instructions to have their patrons sign them and then send them back to the organization.

The first card, for example, read as follows:

"We want you to know, Mr. Assemblyman: As patrons of independent theatres, we are vitally interested in the successful passage of Assembly Bill No. 1056, prohibiting Block Booking and Blind Selling, and look to YOU to protect the theatre-going public by actively getting behind this bill and securing its passage. Regardless of statements made to the contrary by 'big' interests, your analysis of this bill will convince you that the voters of your district are right in asking you to protect them. We look to you and every assemblyman to see that Assembly Bill No. 1056 is passed."

Lack of space prevents me from reproducing the wording of the other cards, but most others had at the bottom the following line:

"Your Assemblyman is ...... Watch his vote!" In the blank space each exhibitor filled in the space the name of the Assemblyman from his district.

The post cards, which were forwarded to the assemblymen, naturally created the impression that it was propaganda. But the exhibitors did not try to camouflage it; they told the interested assemblymen that it was such and nothing else. I have before me a copy of a letter that was sent to Assemblyman Kent Redwine, and signed by James Quinn, a prominent exhibitor of Los Angeles, who is most active in the organization's efforts to have the Bill enacted into a law. Part of the letter reads as follows:

"Coincident with the arrival of this letter you will receive a fistful of postcards, signed by residents of your district, their names and addresses, urging your support of Assembly Bill No. 1056, Here's the reason:

"Word came here Friday that you were accusing proponents of the bill of sending in fictitious names signed to the cards which have been going to the Assemblymen regarding that measure. Most everybody was indignant until someone suggested—'What the heck, maybe he's travelling with suspicious company and is a victim of his environment. Let's be charitable l' So with that as a starting point, we set to work to settle the matter so that even you would be convinced.'

### "The Case of the Stuttering Bishop" with Donald Woods and Ann Dvorak

(First Nat'l., June 5; time, 69 min.)

A pretty good murder-mystery melodrama. It should satisfy followers of this type of entertainment, first, because of the complicated yet interesting story, and secondly bccause the murderer's identity is not divulged until the end. Donald Woods, as Perry Mason, the criminal lawyer, is very good; he has poise, and, by not overacting, gives credence to the part.

An Australian Bishop (Robert McWade) visits Woods and asks him to clear the name of a certain woman who, twenty-two years previously, had been framed by her irate millionaire father-in-law on a charge of manslaughter; all this time she had been hiding under an assumed name. Woods is suspicious of McWade because he stuttered and he knew that with such a speech impediment he could not be a Bishop. But he becomes interested in the case and interviews the woman (Mira McKinney). From her he learns that when she had left the country, she had given up her child, who had been adopted by people known only to the Bishop. She had received a letter from the Bishop informing her that an impostor had passed herself off as the real grand-daughter and that the grandfather had taken her into his home. Miss McKinney wanted Mason to uncover the plot and present to the grandfather the legitimate heiress. Miss McKinney is arrested when her father-in-law is murdered, for circumstantial evidence pointed to her as the murderess. But Mason, by a ruse, forces a confession from Helen MacKellar, Miss McKinney's friend, who had tried to pass off her own daughter (Anne Nagel) as the heiress. By involving Miss Nagel in the murder, he caused the mother to come to her daughter's defense.

Erle Stanley Gardner wrote the story, and Don Ryan d Kenneth Gamet, the screen play; William Clemens and Kenneth Gamet, the screen play; William Clemens directed it, and Bryan Foy produced it. In the cast are Linda Perry, Gordon Olivier, Craig Reynolds, and others. Unsuitable for children. Good for adults. Class B.

### "League of Frightened Men" with Walter Connolly, Lionel Stander and Eduardo Ciannelli

(Columbia, May 25; time, 65 min.)
A fair murder mystery melodrama. There is too much talk and too little action for a picture of this type, but good acting, because of skillful direction, causes one's attention to be held pretty well to the end. The murderer's identity is cleverly concealed, and its disclosure in the end comes as a surprise. Lionel Stander, in the part of the detective's assistant, provokes laughter by his outbursts and abrupt method of handling suspects. Irene Hervey is wasted in a minor part; she and Allan Brook supply the love interest which has no bearing on the plot:—

A well known college professor visits Walter Connolly, a famous private detective, and relates to him a strange story: During his youthful college days, the professor and nine other men had hazed Eduardo Ciannelli so roughly that they crippled him for life. The ten men had supported him until he prospered; but he had never forgiven them. One of the group had been murdered and the other nine had received warnings that they would be next, and naturally Ciannelli was thought to be the murderer. Connolly calls a meeting of the nine men, demanding a fee from each one as the price for protection. During Connolly's investigation, another member of the group is killed; but Ciannelli had not committed it because he had been in the custody of the police at the time. Eventually Connolly proves that the murders had been committed by the most respected member of the group, an investment broker, who had stolen the funds of his two victims. Ciannelli is not grateful to Connelly for having cleared his name because he had been deriving a great deal of pleasure out of watching the men he hated live in fear of death. The results however, bring happiness to Ciannelli's brother (Allan Brook), who is thus left free to marry Miss Hervey.

Rex Stout wrote the story, Eugene Sollow and Guy Endore, the screen play; Alfred E. Green directed it, and Edward Chodorov produced it. In the cast are Victor Kilian, Nana Bryant, and others.

Unsuitable for children. Adult entertainment. Class B.

### "Talk of the Devil" with Ricardo Cortez, Sally Eilers and Basil Sydney

(Gaumont-British, June 1; time, 75 min.) There is not much to recommend in this for the American market. With the exception of Ricardo Cortez and Sally Eilers, the players are not known here; and the British accents of all the other members of the cast are so decided that at times their talk is unintelligible. The story is weak, and, for a melodrama, strangely unexciting.

Sally Eilers, adopted daughter of Randle Ayrton, member of a ship building concern, is happy to again meet Ricardo Cortez, whom she had first met while on a trip to America. This happens at a party given by Basil Sydney, Ayrton's brother. Sydney, a scoundrel, is struck by Cortez' ability to mimic the voices of other people. Being unable to get a hint from his brother as to the awarding of a new ship contract by the government, Sydney induces Cortez to telephone his brother, pretend to be a government official, and get the information for him; he pretends that he wanted this done merely as a practical joke. Thus he is able to learn that the contract had been awarded to his brother's firm. By raising the figures on a check for a small amount his brother had given him, he buys stock in his brother's company. The news of the contract leaks out and brings disgrace to Ayrton, compelling him to resign, for his fellow-directors had assumed that he himself had made the investment. Ayrton, who liked Cortez, discloses that Sydney was only his brother-in-law, a former convict; he tells him the whole story. Later that night he kills himself by drinking poison. Miss Eilers is held on suspicion of murder. Cortez, not being able to force Sydney to confess, calls up the police and, by minicing Sydney's voice, pretends to confess and tells the whole story. He then hands Sydney a gun and suggests that he use it; Sydney kills himself. Miss Eilers is cleared; she plans to marry Cortez.

Carol Reed and Anthony Kimmins wrote the screen play; Carol Reed directed it. In the cast are Fred Culley, Charles Carson, and others.

Unsuitable for children and adolescents. Adult fare.

### "The Man in Blue" with Edward Ellis, Nan Grey and Robert Wilcox

(Universal, June 6; time, 67 min.)

A poor program picture. The story is artificial and the action slow. At first, one is in sympathy with the hero; but the fact that he later steals \$100,000 worth of bonds from a bank messenger is extremely distasteful and tends to make one dislike him. The producers have made an effort to condone this act by showing that the hero was under emotional strain, but the only reaction one will have is that the hero is a spineless person. Moreover, his actions are not logical. One is in sympathy with Edward Ellis, who tries to help the hero; but even he at times is put into a silly posi-

tion. The routine romance is fairly pleasant:-Ellis, in line with his duty as a policeman, and in selfdefense, shoots and kills the father of the hero (played as a child by Billy Burrud). Knowing that Billy was alone in the world except for his conniving uncle (Richard Carle), Ellis adopts the boy with his wife's consent. They put him through school and take pride in his progress. Ten years later, Ellis retires from the police force and takes a job as private policeman in a bank. Out of respect for Ellis, the bank president engages his grown adopted son (Robert Wilcox) as a bookkeeper and in time, makes him a teller. Nan Grey, employed at the bank, and he fall in love. Through a misunderstanding, Wilcox, accused of having taken the money from the bank, is discharged. Thinking that Ellis and Miss Grey had deserted him, he has a talk with Carle, who discloses the fact that Ellis had killed his father. Embittered, he joins Carle in stealing \$100,000 worth of bonds, and hides them in an old slum building. He is arrested and sent to prison. There he becomes friendly with Frank Morgan, another inmate. Through a newsreel shown to the prisoners, Wilcox learns that the government was tearing down slum buildings, including the building where he had hidden the bonds. When Morgan is paroled, Wilcox gives him a letter to Miss Grey, telling her of the location of the bonds and asking her to find and return them. Morgan opens the letter and takes the bonds for himself. The authorities, in order to recover the bonds, parole Wilcox, because they felt that he would eventually go to the place where he had hidden them, and they could trail him. Wilcox is frantic when he hears about the bonds. In an exciting chase which Ellis supervises, Morgan is trapped and killed by Ellis, and since the bonds are found on him Wilcox is cleared. He looks forward to an honest life, with Miss

Grey and Ellis at his side. Kubec Glasmon wrote the story, and Lester Cole, the screen play; Milton Carruth directed it, and Kubec Glasmon produced it. In the cast are Alma Kruger, Aggie

Herring, and others. The robbery makes it unsuitable for children. Adult fare. Class B.

### "Behind the Headlines" with Lee Tracy and Diana Gibson

(RKO, May 14; time, 57 min.)
A good program melodrama. Although the story is farfetched, it is somewhat novel; and the action is fast, holding one's attention well. There are many exciting situations, some caused by the encounters between gangsters and federal men, and others by the chances Tracy takes to get first-hand news. But the most exciting are those in which the heroine, trapped by the gangsters, uses a short-wave transmitter to broadcast her whereabouts. Mild comedy is provoked by the tricks the hero and the heroine play on each other in order to obtain scoops for their respective

papers :-By means of a pocket short-wave transmitter, Tracy is able to broadcast to his paper news from the scene of action. This naturally annoys other reporters, including Diana Gibson, with whom Tracy was in love, Miss Gibson and other reporters frame Tracy, causing him to lose his position. Both Tracy and Miss Gibson overhear crooks plot-ting to hi-jack a government truck bearing gold. Miss Gibson confides to Donald Meek, a Department of Justice man, what she had heard. He tells her the government knew about this and offers to take her along on the arrest so as to give her the scoop. Instead, he takes her to the hideout of the gangsters, where, to her surprise, she finds that he was the leader of the gang and the one who had been tip-ping them off as to gold shipments. The crooks hold up the government truck, and take it to a sccret cave where they camp. In the meantime Tracy, from a note left by Miss Gibson, gathers that she had walked into a trap. He sets out to find her. By means of a short wave transmitter set, which she had stolen from Tracy and hidden in her car, Miss Gibson quietly broadcasts her whereabouts. This brings the federal men to the cave. After an exciting battle, the gang is captured. Miss Gibson rushes to Tracy's arms.

Thomas Ahearn wrote the story, and J. Robert Bren and Edmund L. Hartman, the screen play; Richard Rosson directed it, and Cliff Reid produced it. In the cast are Paul Guilfoyle, Philip Huston, Frank M. Thomas, and others.

The holdup by the gangsters makes it unsuitable for children. Good for adults. Class B.

### "I Met Him in Paris" with Claudette Colbert, Melvyn Douglas and Robert Young

(Paramount, May 28; running time, 86 min.) A fairly entertaining light romantic comedy, of the sophisticated type, suitable mostly for class audiences. It is pretty sexy in spots; but since these situations have been handled from a comedy angle they are not offensive. It seems as if the picture was made primarily to show how adept is Miss Colbert at winter sports; she is shown skating and skiing. And she does make a pretty picture of it, but it is doubtful if the masses will be interested in her talents as an athlete. The background of the snow country is beautiful. The comedy, which is provoked by the rivalry between two men for Miss Colbert's attention, is pretty good; but the story lacks human appeal, and the actions of the char-

acters do not awaken one's sympathy:—
Miss Colbert, a New York fashion designer, tells her fiance (Lee Bowman) that she was going to Paris for her vacation and expects to have a wild time. But when she arrives there she feels lonesome and ill at ease, until she becomes acquainted with Melvyn Douglas and Robert Young, two wealthy American artists. Although both men fall in love with her, she seems to prefer Young. Douglas, knowing Young's ways with women, warns him that if he tried to become intimate with Miss Colbert he would tell her that he was already married. They all go to Switzer-land for the sports, and Miss Colbert cannot understand why Douglas insists on chaperoning her and Young. The arrival of Young's wife (Mona Barrie) makes Miss Colbert furious, for Young had not told her about the wife. She rushes back to Paris, followed by Young and Douglas. She arrives at her hotel to find that her American suitor, too, had followed her all the way from America. Young tells her that his wife had agreed to a divorce; but she sends him away, as she does Douglas and Bowman. She

marries him. Helen Meinardi wrote the story, and Claude Binyon, the screen play; Wesley Ruggles directed and produced it. In the cast are George Davis, Alexander Cross, Egon Brecher, and others.

finally realizes that she is in love with Douglas, and so she

Too suggestive for children and adolescents; adult fare. Class B.

### "There Goes My Girl" with Ann Sothern and Gene Raymond

(RKO, May 21; time, 74 min.)

Just an ordinary comedy, with a familiar plot. The first half is tedious, owing to the constant bickering between the characters, and their continual shouting at each other. This is caused by the efforts of Richard Lane, editor of a newspaper, to prevent his star reporter (Ann Sothern) from marrying Gene Raymond and leaving her position. This naturally causes quarrels between Raymond and Miss Sothern. There are one or two comical spots, but on the whole the action is so silly that it is not even funny. The second half offers a little more excitement, for there Miss Sothern and Raymond, in their capacity as newspaper reporters, become involved with gangsters who had committed a murder. And the lovers after learning how they had been tricked on various occasions by Lane, who had prevented their marriage, become reconciled Finally Raymond knocks out Lane, so as to prevent him from again stopping the wedding ceremony.

George Beck wrote the story and Harry Segall, the screen

play; Ben Holmes directed it, and William Sistrom produced it. In the cast are Gordon James, Bradley Page,

Maxine Jennings, and others.

Unsuitable for children, Adult fare, Class B.

### "The Go-Getter" with George Brent, Anita Louise and Charles Winninger

(Warner Bros., May 22; time, 91 min.)

An entertaining program comedy for the masses. Most of the credit for its success belongs to Charles Winninger's lovable portrayal of the familiar Cappy Ricks character. The first half is much better than the second, which is quite silly, but fairly amusing to the non-discriminating, because of the fast action. During the second half, there is one scene that has no place in a picture of this type; it is needlessly vulgar. Most of the comedy is provoked by Winninger's uncontrollable outbursts, particularly after he meets his equal in George Brent, who had started out with a handicap (he had lost a leg in the explosion of a Navy blimp) but who was undaunted, Winninger puts him through severe tests to prove his worth. His expressions of pleasure at Brent's success, which had annoyed his partners, provoke hearty laughter. The ro-mance between Brent and Anita Louise, Winninger's daughter, is a cause for merriment because of Winninger's efforts to put a stop to it. But Brent wins out-he gets the girl and the important job.

Peter B. Kyne wrote the story, and Delmer Daves, the screen play; Busby Berkeley directed it, and Sam Bischoff produced it. In the cast are John Eldredge, Henry O'Neill, Joseph Crehan, and others.

Children will not understand the suggestive scene mentioned, but adolescents will; therefore adult entertainment. Class B.

### "What Price Vengeance" with Lyle Talbot and Wendy Barrie

(Rialto Productions; time, 56 min.)

Ordinary program entertainment. The story follows the true-and-tried formula used in cops-and-robbers pictures, without a new angle. Yet, easily-satisfied audiences may find it fairly exciting, for there are several chases, fist fights, and gun duels between the police and the gangsters. The love interest is fairly appealing. There is some human interest in the admiration a young boy shows for the hero. The photography is quite poor in spots:

Lyle Talbot, a San Francisco policeman, although an expert shot, is too frightened to use his gun on gangsters. Because of this fear, he misses capturing the Marc Lawrence gang of bank robbers; they had kidnaped his small nephew and used him as a shield in their escape, later throwing him out of the car and injuring him. Talbot resigns and then disappears, telling not even his sweetheart (Wendy Barrie) where he was going. By pretending to be a gangster with a record, he convinces Eddie Acuff, one of the bank robbers that he would be a good man to have in the gang. With the help of the police, Talbot eventually traps the gang and shoots it out with the leader. He is put back on the police force as an honored member. This makes Miss Barrie and Talbot's nephew happy.

J. P. McGowan wrote the original story and the screen

play, Del Lord directed it, and Kenneth J. Bishop produced it. In the cast are Lucille Bond, Robert Rideont, and others.

Not suitable for children. Adult fare, Class B.

Mr. Quinn then proceeds to tell Assemblyman Redwine of a test that he carried out using that assemblyman's office in Hollywood as a pivotal point and said that in less time than it takes to talk about he and his co-workers signed up every voter they had contacted, with the exception of a young man who wasn't twenty-one, and two or three others. He then goes on to tell the assemblyman that the smart thing for him to do would be to support the bill, not passively, but militantly, for the bill would benefit the public.

"And strange as it may seem to the doubters," the letter continues, "those who would benefit the most from it are those who are now fighting it most fiercely—the producers and their satellites. It would open up the motion picture field, which is now almost sterile of originality and fresh ideas, a healthy competitive condition which would go far toward safeguarding the vast investments which are now decaying daily. As a practical proof of that assertion, I show you United Artists, which company sells a customer twenty, ten, two or one of their season's productions."

With work such as this, can any one ever doubt that the Southern California exhibitors, if they had decent support from the Northern part of the state, would be able to put that bill through?

That the producers have felt this intelligent work may be evidenced by the fact that they have asked the exhibitors for a conference, for the purpose of trying to iron out all grievances, provided they ceased to put their pressure behind that bill pending the talks.

I don't know what has been done since then (the letter is dated May 9)—the Milwaukee convention intervened and I have had no news yet; you will know as soon as I hear from Los Angeles.

If every organization worked as hard as the Southern California organization, there can be no doubt in the least as to what would be the outcome.

## THE PRODUCER ATTITUDE ON THE ALLIED OFFER FOR CONFERENCE

As stated in last week's issue, Mr. W. A. Steffes, chairman of the Exhibitor Defense Committee, proposed at the Allied convention in Milwaukee that the Committee be empowered to propose a conference with the heads of the major companies for settling points of dispute so that the Allied legislative program may be made unnecessary.

In case the producers accept the olive branch extended to them by Mr. Steffes, a request will be submitted for them to divest themselves of all their small-town theatres.

The Film Daily stated last week that the producers have not shown any desire to accept the offer. It is not strange that they should not; those on top of the ladder most of the time see no reason why they should consider the rights of those on the lower rungs, until the ladder is given a sudden jerk and they go tumbling down, finding themselves on the floor.

In the next two years there will be so much anti-chain legislation introduced in the legislature of many states that they will become dizzy. And such legislation cannot help being successful, for the independents of every other business or industry are ready, able and willing to join hands with the independents of this industry. The producers will then regret their lack of vision.

Harrison's Reports suggests to every one of you to do your part towards having anti-chain legislation introduced in your state and having it passed. Don't let the Allied States executives do everything; you should help them, by doing what the exhibitors of Southern California are doing toward having their state anti-block booking bill passed, as explained elsewhere in this issue. And let the tax on each seat be from 50 cents at least to \$5, on a graduated scale, the amount of tax depending on the total number of theatres a concern owns nationally, and not within the state.

Get busy!

## "SOULS AT SEA" TO BE ROADSHOWN ON JUNE 30

In the extract from Mr. Zukor's letter to those who are protesting to him for withholding a number of choice 1936-37 season's pictures, which extract was printed in last week's issue of Harrison's Reports, Mr. Zukor stated that "Souls at Sea" and "High, Wide and Handsome" have just been completed "in so far as the camera work is concerned." "There is yet considerable work to be done on them," he said, "and much money to be expended . . . they will not be fully completed for some time."

Commenting on this statement, Harrison's Reports

pointed out that the 1936-37 season is not yet over, and that from the time Mr. Zukor wrote that letter until the end of the season there were fully three months, during which time he certainly could have finished and delivered them, if Paramount were inspired by a motive of fair play. The industry has now learned from an item in the New York Times (denied to Mr. Peter Wood by Neil Agnew) that "Souls at Sea" will begin a roadshow run at the Astor, in New York City, on June 30; that is, fully one month before the season ends.

Let it be noted that, though Paramount has the legal right to withhold "Souls at Sea," and resell it at whatever terms it sees fit, the holder of a 1936-37 season's contract is not released thereby, so that, if the picture should, by any chance, turn out to be a poor box-office attraction, Paramount may deliver it to him. Thus you see that the contract holder is helpless either way.

The news that Paramount will begin roadshowing this picture on June 30 prompted Pete Wood, business manager of the Ohio exhibitor organization, to telegraph to Mr. Neil Agnew, general manager of Paramount, as follows:

"Your letter of May 25th: The meaningless explanation by Mr. Zukor in his letter, coupled with your announcement that 'Souls at Sea' will be released as a roadshow on June 30 is the greatest slap in the face ever given to exhibitors. When one of the leading companies in an industry stoops to such unethical and unfair tactics it is no wonder that it is beset with Congressional investigations and with the condemnation of civic and other public groups. Paramount is certainly doing its full share to hasten Federal control of the motion picture industry. I hope that its stockholders, at the forthcoming meeting to consider the recommendations of the board of directors regarding the prohibitive salary and bonus to be paid Mr. Zukor for the current year, will find time to take some action on the business tactics of their organization."

Paramount's withholding several choice pictures from the holders of 1936-37 season's contracts cannot be compared with Columbia's withholding of "Lost Horizon," by reason of the fact that the exhibitors did not think that the heads of Columbia could have shown any good judgment,—they do not realize that, by withholding "Lost Horizon" they will get less money than they could have obtained had they delivered the picture to the contract holders and then pleaded either for a voluntary modification of the contract's terms or for increasing the run; but no one would think that Paramount, the organization that has been priding itself on its reputation, would have resorted to junk-dealer tactics.

Among the organizations that are active in protesting against this unethical act on the part of Paramount is also Independent Theatre Owners of Southern California and Arizona. In a letter sent to the members, Mr. Jack Y. Berman, president of that organization, urged each member to protest vehemently to Paramount, and to insist that Paramount live up to its obligations. "It is a real violation of trust the exhibitors have had in Paramount for many years," Mr. Berman said in that letter, "and it is hard to understand that a distributing company would so far forget its moral obligation to its contract holders."

If you have not yet protested against this unethical, unjust and unfair act, protest at once to Mr. Zukor. You may address him in care of Paramount Studio, 5451 Marathon St., Hollywood, Cal. And if your organization has not yet taken steps to make its collective sentiment known to Paramount, urge your officers to call a meeting at once.

## HARRISON'S DIGEST FOR CURRENT SEASON CONTRACT TERMS OUT

In a few days, you will receive a copy of Harrison's Digest, giving the terms on which many exhibitors bought their 1936-37 season's pictures.

The information given in it should guide you as to what you should pay for your next season's pictures.

One other reason why you should be cautious as to the prices you may pay for your 1937-38 season's pictures and as to the terms you should accept is the fact that the strikes and the general unrest has hurt the show business considerably. Whether the conditions will improve in the immediate future or not it is hard to tell. It should be wise on your part, therefore, to exercise great caution.

Another valuable aid should be, as said elsewhere in this issue, Harrison's Forecaster. By means of the forecasts on at least one-third of the stories each company will put into pictures in that season, you should be able to form a clear idea what the entire program should be worth, instead of what the salesman tells you it is worth.

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### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XIX

SATURDAY, JUNE 19, 1937

### A PERTINENT QUESTION ABOUT PARAMOUNT'S "SOULS AT SEA"

Two weeks ago, Paramount announced that "Souls at Sea" would open at the Astor Theatre, New York City, as a roadshow attraction.

Those of you who read last week's editorial, "'Souls at Sea' to Be Roadshown on June 30," know that Mr. P. J. Wood, Secretary of Independent Theatre Owners of Ohio, protested to Mr. Neil Agnew, general manager of Paramount, calling this a slap in the exhibitors' face. But Mr. Agnew denied that the picture will be roadshown at the Astor on that date.

That the picture was to start its engagement on that date is absolutely true; but after the arrangements were made the picture was withdrawn. The supposition is that it is not up to the standard, and it was sent back to the studio for retakes and for reediting.

What should interest you, however, is this: Suppose the picture does not prove to be a money-maker, will Paramount give it a general release for 1936-37 and deliver it to you in accordance with the terms of the contract? Remember that, as I have often stated editorially, the distributor may, if he so should desire, withhold a picture, but the exhibitor cannot reject one as long as the number delivered do not exceed the maximum number promised.

Personally I am of the opinion that, if "Souls at Sea" should turn out to be a lemon, you will receive it in the 1936-37 group.

Since you cannot legally compel Paramount to deliver "Souls at Sea" and the other seven or eight pictures that have been taken out of the 1936-37 season's program, you should ask Mr. Zukor whether or not, if some of these pictures turned out to be poor, he would deliver them to you on your 1936-37 season's contract. Ask him for a definite understanding. In the meantime, when the Paramount salesman comes around to sell you the new season's product, ask him what guarantees he can offer you that Paramount will live up to its moral obligations with you.

### CIRCUITS EXPANDING

Hardly a week passes but the trade papers announce that one or more affiliated circuits either have acquired independent theatres, or are planning to build new ones. And not to be left behind, many independent circuits are doing the same thing.

If this rapaciousness of the circuits, independent as well as affiliated, should continue, there will not be very many independent theatres left, and those that will be left will find it harder and harder to obtain suitable product for their needs.

Several speakers at the Allied convention in Milwaukee last month, among whom were Nathan Yamins, president of the Allied organization, and Al Steffes, chairman of the Exhibitor Defense Committee, stressed this fact considerably in their speeches.

Two remedies were offered: that the theatre divorce measure that has been passed by the state of North Dakota be introduced and passed in every state where the conditions are favorable; and that bills be introduced in the different state legislatures taxing the chains in accordance with the number of theatres they own, not within the state, but nationally, the tax to be on a graduated scale, starting from 50 cents per seat per year, and reaching as high as five dollars a seat, and even higher.

A tax of five dollars a seat or higher is not, legal minds declare, unconstitutional. This opinion of theirs is based on at least two U. S. Supreme Court decisions, one decision rendered in the case of Standard Oil Company of New Jersey against the state of West Virginia, seeking to prove that gasoline stations are not chain stores, and that, therefore, the tax law which taxed individual stores \$2 and chain stations as high as \$250 was unconstitutional. Justice Cardozo, speaking for the entire court, stated:

"A Chain is a distinctive business species, with its own capacities and functions. Broadly speaking its opportunities and powers become greater with the number of the component links, and the greater they become, the more farreaching are the consequences, both social and economic. For that reason a State may tax the large chains more heavily than the small ones, and upon a graduated basis.

"Not only may it do this, but it may make the tax so heavy as to discourage multiplication of the units to an extent believed to be inordinate, and by the incidence of the burden develop other forms of industry. . . . The operation of a general rule will seldom be the same for every one. . . . If the accidents of trade lead to inequality or hardship, the consequences must be accepted as inherent in government by law instead of government by edict.'

In other words, if the graduated tax that state has chosen to place upon chain stores is so heavy as to put them out of business, that is just too bad; if the welfare of the general business demands that such a tax be imposed, the chains must pay it or else go out of business.

We have a recent example of such a law in the state of Pennsylvania: a recent tax measure enacted imposes as high a tax as \$500 per store if the stores aggregate a certain number. One hundred and fifty Atlantic & Pacific stores were shut down as a result of it.

### WORDS OF WISDOM

"I never yet have seen a product fight," said H. M. Richey, business manager of Allied Theatre Owners of Michigan, in a recent bulletin of his, "that made a thin dime for either party. Either the cost is increased more than the additional product was worth or the other fellow, faced with a product shortage, had to resort to plans of marketing not generally felt desirable, to keep in business.

"Don't attempt to use your buying organization, your competitor's personality or a million other alibis because you attempted it or accomplished it. . . . It is you who will be driving the other fellow to what is generally called 'unfair competition or unfair competitive methods' if you fail to see the wisdom of equity in everything. Think it over before you hog all the product from your competitor. Live and let live and give each other the opportunity of having an equitable amount of product so that both can make some money out of the business.

Wiser words have not yet been addressed to exhibitors. There is so much sense in them that every exhibitor should read and digest them, with the object of making them his credo; he will profit in the end if he should do so.

Most of the exhibitor troubles have been brought about by the exhibitor himself. A large number of them arc envious of their competitors and, instead of consuming their energies on how to exploit their better quality pictures, so that they might draw a greater number of persons, they use it up in scheming how to keep their competitors from getting product. And what is the result? The competitor,

#### "Parnell" with Clark Gable and Myrna Loy (MGM, June 4; time, 117 min.)

Aside from the drawing power of Clark Gable and Myrna Loy, this picture, judged solely as entertainment, lacks mass appeal. It is slow-moving, and somehow does not touch one's emotions as one would expect in a story of this type. For one thing, Gable does not fit the part of "Parnell." His performance lacks fire and realism; it is not until the very end, when he is dying, that he rises to the requirements of the part. For another, it is too long, becoming dull in spots. Otherwise, MGM has given it an intelligent and lavish production, and has cast the other parts flawlessly. A few of the scenes are outstanding, because of brilliant handling. The romance is appealing, even though it ends on a sorrowful note, with Parnell's death:-

Parnell, called the uncrowned King of Ireland, goes to England with a delegation to fight for home rule for Ireland. Willie O'Shea (Alan Marshall), although separated from Katie, his wife (Miss Loy), demands, in addition to the money that she had been giving him, that she help him further his political career by inviting Parnell to dinner. She finds Parnell a charming man, and in a short time they are desperately in love with each other. His enemies print a forged letter, purported to have been written by Parnell himself, in which he confessed his complicity in political murders. He demands a trial to prove and does prove his innocence; this makes him even more powerful. Gladstone (Montagu Love) tells Parnell he would vote favorably on a home rule bill. O'Shea demands a place in the Irish cabinet and, when Parnell refuses him the office, he brings a divorce action naming him as the other man. Gladstone, waiting for just such a moment, insists that Parnell be removed as leader before he would reconsider the home rule bill. The divorce scandal turns many of his followers against him, splitting up the Irish party. Parnell gets a severe heart attack and is taken to Katie's home to be cared for. But his condition becomes worse. He calls together all his friends, who had since regretted deserting him, and begs them to carry on just as if he were with them. He then dies in Katie's arms.

Elise Schauffler wrote the play from which this story was adapted, and John Van Druten and S. M. Behrman, the screen play; John M. Stahl directed and produced it. In the cast are Edna May Oliver, Billie Burke, Edmund Gwenn, and others.

Morally suitable for all. Class A.

### "White Bondage" with Jean Muir, Gordon Oliver and Howard Phillips

(Warner Bros., June 19; time, 591/2 min.)

This is a rather drab and depressing melodrama, revolving around the lot of the poor southern share-cropper. The story is similar in some respects to "Cabin in the Cotton," made by Warners in 1932. That picture was not very good entertainment, and this is even less so because it lacks whatever slight dramatic quality "Cabin in the Cotton" had. It is unconvincing, and becomes unpleasant as it goes along. Revolting are particularly the scenes that show the menacing mob trying to lynch the hero. It peters out to a mild

finish, both romantically and dramatically.

In the development of the plot, Gordon Oliver, a newspaper reporter, goes to the Southern cotton country to get a story for his paper regarding the unrest among the sharecroppers. At first his sympathies are with Joseph King, the land owner; but he changes his views when he realizes that for years King and his hard-hearted sister (Virginia Brissac) had been cheating the croppers both in the weight of their cotton and in their accounts at the community store. The croppers do not trust Oliver; but Jean Muir, grand-daughter of Harry Davenport, one of the croppers, has faith in him and asks the croppers, including her sweetheart (Howard Phillips), to follow his advice. Phillips leads a band of croppers in stealing bales of cotton from King's warehouse and then burning down the building. Oliver in-nocently leads King's men to Phillips' barn. King uses this as a means of making the croppers believe that Oliver had double-crossed them. And Miss Brissac, who had attacked Miss Muir when she had tried to warn Oliver of his danger, puts the blame for this, too, on Oliver. The croppers are ready to lynch Oliver. Miss Muir reaches them in time to tell the truth. With information that Oliver had gathered, the government prosecutes King and his sister. At last the croppers are given a fair deal and are thankful to Oliver for what he had done. Miss Muir and Phillips marry

Anthony Coldewey wrote the original screen play; Nick Grinde directed it, and Bryan Foy produced it. In the cast are Addison Richards, Cy Kendall, and others.

Morally suitable for all. Class A.

### "Meet the Missus" with Helen Broderick, Victor Moore and Anne Shirley

(RKO, June 11; time, 60 min.)

A moderately entertaining program comedy; it should appeal mostly to middle-aged patrons; young people may find it dull, for it lacks both romance and excitement. A few laughs are provoked here and there, but this is due mainly to the talents of Helen Broderick and Victor Moore, who are able to make ordinary situations seem funnier than what they actually are:-

Miss Broderick and her husband (Moore) are constantly quarreling because of her inability to take care of the home, and of the fact that she wastes time competing in contests. Moore, in addition to his barber shop, runs the house, too. In a contest started by a noodle company, Miss Broderick is picked to represent her district as the model housewife. The finals are to take place at Atlantic City, and, since one of the rules was that husbands must accompany their wives. Moore is compelled to go along and do all the work. Moore and other disgruntled husbands arrive at the banquet where the prize was to be awarded and embarrass their wives by appearing in bathing suits. Moore makes a radio speech charging the noodle company with ruining their lives. The president of the noodle company, in order to quiet him, gives the \$10,000 prize to Miss Broderick. She, in order to pacify Moore, turns the money over to him. Peace is finally restored in the family. And to top things off, the daughter (Anne Shirley) marries a noodle company salesman.

Jack Goodman and Albert Rice wrote the story, and Jack Townley, Bert Granet, and Joel Sayres, the screen play; Joseph Santley directed it, and Albert Lewis produced it. In the cast are Alan Bruce, Edward H. Robbins, Frank M. Thomas, and others.

Morally suitable for all. Class A.

### "The Girl Said No" with Robert Armstrong and Irene Hervey

(Grand Nat'l. (1937-38), Sept. 3; time, 761/2 min.)

A delightful combination of comedy, romance, and music; it is very good entertainment. The popular Gilbert and Sullivan tunes are worked into the plot so cleverly that they do not retard the action at any time; as a matter of fact, one feels as if one could have listened to more of them. The comedy is made up of wisecracks that are actually funny; this is so particularly in the first half, when the hero and the heroine become acquainted. The action is fast, holding one's attention throughout. And the players give excellent performances, making their respective parts believable and likeable:-

Robert Armstrong, a racetrack bookmaker, is warned by his partners (Ed Brophy and Harry Tyler) not to show much attention to Irene Hervey, a dance hall hostess, for they felt certain that she would take all his money. He bets each of them five hundred dollars that he would not spend on her more than ten dollars. But Miss Harvey is too clever for him and things happen just as his pals had predicted. Realizing that she was a gold-digger, he sets out to teach her a lesson and to take away some of her money. Pretending to be a talent scout, he promises to star her in a Broadway show, for \$500 as advance payment and ten per cent of her salary. He persuades her to take singing, dancing, and elocution lessons, and then demands from the instructors a "kick-back." And to top it off, he promises a group of Gilbert and Sullivan singers, who had once been big Broadway hits but had since been reduced to running a lunch room, to put them in a show if Miss Hervey, who was "sold" to them as a wealthy woman, backing the show, would star. By various tricks, he gets the use of a theatre and then fills it with his own people. But every one shows so much loyalty to him that his conscience bothers him; and, wanting to redeem himself, he rushes on the stage and tells the audience of the trick he had played on worthy people. The dramatic critics pronounce the performance a hit and demand that it go on. Miss Hervey forgives Armstrong and promises to marry him.

Andrew L. Stone wrote the story, and produced and directed the picture: Betty Laidlaw and Robert Lively wrote the screen play. In the cast are William Danforth, Paula Stone, Vera Ross, Vivian Hart, and others.

Suitable for all. Class A.

Note: Though the picture is highly meritorious, the leads are not known so well. For this reason, it will take much exploitation to let the public know that it is worth seeing. And Grand National, realizing this, is letting its exploitation forces loose on it.

### "Border Cafe" with Harry Carey, Jean Beal and Armida

(RKO, June 4; time, 67 min.)

An average program Western, with a familiar story. The action is slow for a picture of this type; it is only in the closing scenes that it becomes exciting, by reason of a chase and gun-shooting. The romance is mildly appealing. Where westerns are liked this should go over; poor for other the-

Rather than join his father's law firm, John Beal, a shiftless hard drinker, goes to Texas, where he continues his drinking. His father, believing that he needed money for a ranch, sends him large sums which Beal spends in drink. When Beal receives a letter telling him that his father, mother, and fiancee were on their way to pay him a visit, he becomes frantic. He appeals to Harry Carey, a former schoolmate of his father's, to permit him to stay at his ranch, where he could pretend to be a partner. He helps Carey fight off gangsters who were trying to force him into a so-called protective association. Beal's father is delighted at the ranch; but he disapproves of Beal's choice for a wife-Armida, a cabaret entertainer. Armida, however, proves her worth when they are both kidnapped by the gangsters. When rescued, the father who by this time knows that Armida is a noblewoman, leaves for New York, happy at his son's reformation. Carey actually takes Beal into partnership with him.

Tom Gill wrote the story, and Lionel Houser, the screen play; Lew Landers directed it, and Robert Sisk produced it. In the cast are Marjorie Lord, George Irving, Lee Patrick, and others.

Suitable for all. Class A.

### "Forever Yours" with Beniamino Gigli

(Grand Nat'l., May 15; time, 70 min.)

This British-made picture should entertain music lovers, for Beniamino Gigli, the famous tenor, formerly with the Metropolitan Opera Company, sings arias from many operas and other music. But that is its only attraction; it is not for the masses, for Mr. Gigli is not the romantic type, and he speaks just a few words in English; the rest in Italian. The story is thin and aside from Mr. Gigli the other players talk with a decided British accent. The best place for a picture of this type is theatres that cater to the "arty" type:—

Joan Gardner, bound for America on a business deal with her employer, falls in love with Ivan Brandt, one of the ship's officers. But her happiness is shattered when she hears malicious gossip about him which had been started by a jealous woman. In New York, she becomes acquainted with Gigli, the world-famous tenor. Gigli falls in love with her at first sight. In his faltering way he pleads with her to marry him; she accepts. They are happy until Miss Gardner again meets Brandt. She is torn between her desire for Brandt and her devotion to Gigli and his child. She finally decides to give up her romantic ideas and remain with her husband.

Hugh Gray and Arthur Wimperis wrote the screen play; Stanley Irving directed it, and Alberto Giacalone produced it. In the cast are Hugh Wakefield, Allan Jeaves, Jeanne Stuart, and others

Morally suitable for all. Class A.

### "The Wildcatter" with Scott Colton and Jean Rogers

(Universal, June 13; time, 571/2 min.)

Just ordinary program entertainment. The pace in the first half is rather leisurely; but it picks up speed in the second half, and becomes somewhat exciting towards the end, when the hero realizes that he had been tricked by his employer. The manner in which he outwits him thrills one. Since the hero and the heroine are married at the beginning of the picture, the romantic appeal is only mild:

Scott Colton (hero) leaves for the Texas oil fields with his pal (Jack Smart) to try his luck as a wildcatter; he promises to send for his wife (Jean Rogers) as soon as things are bright. When they arrive at the small Texas town where the latest gusher had been found, they are told that the only lease available is beyond their means. Colton decides to try his luck at gambling, and wins enough to buy the lease. He attracts the attention of Suzanne Kaaren, daughter of the millionaire owner of the new gusher. After a month of hard work, Colton and Smart know their well is worthless. Miss Rogers arrives just as they discover this; but she insists that they stay and try their luck again. Colton receives an offer from Miss Kaaren's father (Russell

Hicks) to work for him, which he accepts. He is unaware that Hicks had been using him in an effort to gain control of other wildcatters' leases. Eventually this comes to light when Colton learns that Hicks had damaged the wells of the wildcatters so as to foreclose on their property. The wildcatters think Colton was to blame and threaten to kill him. But he exposes Hicks and compels him to fix the wells. He then resigns his position and accepts a partnership with another wildcatter.

Tom Van Dyke wrote the story, and Charles A. Logue, the screen play; Lewis D. Collins directed it, and George Owen produced it. In the cast are Ward Bond, Wallis Clark, and others.

Morally suitable for all. Class A.

### "Hotel Haywire" with Lynne Overman, Leo Carrillo and Spring Byington

(Paramount, June 4; time, 66 min.)

Mediocre. It is a slapstick farce, more noisy than funny. And it lacks popular star names. Since the action revolves around a middle-aged couple, the picture is limited in its appeal—young people will be bored and middle-aged patrons may find it too silly. Leo Carrillo manages to provoke some laughter by his mispronunciation of words:—
When Spring Byington finds in her husband's overcoat,

a girl's silk slip, she believes that he had been unfaithful to her. She did not know that his poker-playing friends had put it there as a joke. She consults Leo Carrillo, a fake astrologist, and is told how to act towards her husband. And, in order to make mone money, he gives advice also to Overman, Spring's husband. The advice to both is so bad that they begin to hate each other, eventually deciding to separate. This brings unhappiness to their daughter (Mary Carlisle), who had been planning to marry her employer's son. Finally, every one meets at the hotel where Overman had gone in order to establish evidence for the divorce, and where Miss Carlisle had gone with her fiance to be married. Overman and his wife become reconciled. and give their blessings to their daughter and her newly acquired husband.

Preston Sturges wrote the story and screen play; George Archainbaud directed it. In the cast are Benny Baker,

George Barbier, Porter Hall, and others.

Not suitable for children or adolescents. Adult fare. Class B.

"Big Business" with Jed Prouty and Spring Byington

(20th Century-Fox, July 23; time, 601/2 min.)

"The Jones Family" again appear in a wholesome and entertaining program picture of family life. This time their activities extend beyond their home, and they become involved in big business, as the title indicates, which almost brings about the financial ruin of the family. The closing scenes, in which the father (Jed Prouty) is about to sign an agreement with fraudulent stock dealers in whom he had confidence, and which would have involved investments not only by himself but by friends and neighbors, hold one in tense suspense. Russell Gleason, the son-in-law to be, is now an accepted addition to the Jones family; and it is through him that the family honor and fortune are saved.

In the development of the plot, Allan Lane, a crooked stock promoter, returns to his home town and is welcomed by the Jones family, who remembered him as a pleasant young man. Lane, in partnership with another crook, induces Prouty (Mr. Jones) to invest his money in oil stock; and Prouty, not being selfish, passes the word on to his friends. They all invest their savings in the stock, Shirley Deane, Prouty's daughter, is annoyed because her cautious suitor (Gleason) had refused to invest his money in the stock. Prouty, who is looked up to by his friends, is ready to give up his drug business to go into the financial business with Lane and his partner. But when Prouty's children discover that the oil well was a fake and disclose the news to the assembled investors, all Prouty's friends turn against him. Kenneth Howell (the older Jones boy) saves the day by selling an automobile invention; with the help of Gleason, he receives a sum of money large enough to pay off all Prouty's friends who had invested in the oil stock. Lane is chased out of town. Miss Deane is sorry she had misjudged

Ron Ferguson and Elcanor DeLamater wrote the story, and Robert Ellis and Helen Logan, the screen play; Frank R. Strayer directed it, and Max Golden produced it. In the cast are George Ernest, June Carlson, Florence Roberts, and others.

Suitable for all. Class A.

having an investment to protect, bids more money for his pictures, until each outbids the other to the point where neither makes a profit; for after all an investment may be protected only with a steady supply of product, and when an exhibitor attempts to stop his competitor from supply of product, the competitor will fight for it.

But suppose he succeeds in driving his competitor out of business? Does he enjoy security? No! At least not for very long, for the fact that he is making great profits naturally comes to the attention of the theatre department of one of the major companies and a competitive theatre is set up, either by reopening the old one, or by building a new one. It is then when the short-sightedness of the ruthless competitor becomes evident, for he brings upon himself stiffer competition. How much better it would have been if he had approached his competitor and offered to cooperate with him in a spirit of give-and-take!

I read in a recent issue of the Philadelphia Exhibitor, published by Jay Emanuel, that an exhibitor in a fairly small town advertised his competitor's picture because it was a fine picture and the picture he himself was showing that day was not so good. I wish I knew the name of that exhibitor while writing this editorial to give his name to the exhibitors of the United States and urge every one of them to follow his example. A happier industry we would have if we had more exhibitors like him.

At the Allied Convention in Milwaukee, one of the speakers urged the exhibitors not to fight with their competitors for control of the product, but to be fair with them, making it possible for all to make a fair living. Harrison's Reports seconds the motion. Let there be a spirit of fair play! Let your motto be, "Live and let live!"

## THE ALLIED RESOLUTION AGAINST ALL "DRIVES"

As a result of the war that was started by the Philadelphia exhibitors against the so-called Drives, which war was endorsed by the exhibitors of Cleveland, as stated recently in Harrison's Reports, a resolution was passed, as you already, no doubt, know, against such Drives by Allied States at its recent Milwaukee convention. The resolution reads as follows:

"Whereas, distributors from time to time conduct socalled Drives with the object of boosting sales and playdates, and

"Whereas, in the time allotted, the exhibitor is induced to date only such features as are owned by the distributor conducting the Drive, upsetting the exhibitor's bookings and causing loss of patronage through showing of successive weaker programs; and

"Whereas, this has degenerated into a near racket, inasmuch as the booker, who is frequently used as the tool to put such Drives over, is in position to do the exhibitor much harm if his 'request' is refused; therefore be it

"Resolved, that Regional Organizations affiliated with Allied be urged to appoint a secret committee, to be called the Committee on Drives, the function of which will be to receive applications from distributors for such Drives, and either to approve or reject them, depending on whether such Drive will, in the opinion of the Committee, benefit the exhibitors at large or not; and be it further

"Resolved, that the Regional Organizations urge their members to refuse to support any Drive unless the distributor conducting it first obtain the written consent of the Drive Committee."

If you are a member of an exhibitor organization, whether affiliated with Allied or not, see that your organization appoints a secret Committee on Drives to pass upon requests from the exchanges for your territory, and that requests for your aid in any Drive be referred to this Committee, for this racket affects all exhibitors alike. Make the exchanges understand that, unless they first obtain such Committee's endorsement, you are unable to help them.

As the resolution states, the Drives have become a racket. Drive, then, this racket out of the motion picture business.

### GOLDWYN FOR ALL-COLOR PICTURES

About the middle of last month the trade papers were treated by Linton Wells, of Samuel Goldwyn, Inc., with a three-page telegram announcing that hereafter all the pictures Mr. Goldwyn will produce will be in natural colors.

"Complete disappearance of black and white motion pictures from the Hollywood scene," the telegram said, "was

indicated today when Samuel Goldwyn, dean of Hollywood producers, announced that henceforth he will make only technicolor films.

"Goldwyn's announcement was believed to be the forerunner of similar statements from other major producing units, sounding the eventual death knell of the present day non-color films as definitely as the advent of sound killed the silent productions. . . ."

Harrison's Reports admires Mr. Goldwyn's courage, but is not impressed much with the wisdom of his decision. There are many factors to consider before the other major producing units may follow his example. And certainly, there has not been a response on their part, as Mr. Goldwyn predicted there would be.

Assuming that Mr. Goldwyn's statement had no sideline implications, it may said that, if the other major companies were to go all-color, they would invite disaster, for the added cost would be enormous; and the public is in no mood now to stand a decided increase in admission prices, which is the only method whereby the extra cost of production could be recouped. The added cost to each feature in natural color over the black-and-white is anywhere from \$100,000 to \$350,000, the amount depending on the magnitude of the feature and on the nature of the story. And it takes a lot of extra dimes and nickels to make up this amount of money, if the prices were to remain at the present level, or even slightly increased.

There is also this factor to consider: for a technicolor film to take in the added cost with a fair profit, the story must be strong. When the story is weak, color does not help it. It is only when the story is amusing or moving that color, if done well, helps it.

It is but fair to admit, however, that color has made decided progress lately. In "A Star Is Born," it was generally good. Whether this improvement can, however, be maintained in future all-color films, if a large number of them were to be produced, it is another matter. First of all, the technical equipment must be multiplied. Secondly, the ideas of experts must be followed, and not of persons whose ideas of color are confused but are put forward only because the possessor of them happens to be the relative of this, that or the other executive.

Harrison's Reports suggests to you not to become excited with announcements that color will supplant all black-and-white, whether such announcements come from Goldwyn or from any other major producer, unless, of course, you speculate in stock.

### ABOUT THE FORECASTER

Two sections for the Warner-First National product, and one section for the Universal product, have been printed and mailed to the subscribers of the Forecaster.

In the Warner-First National section, the following is said of two works:

"A Prayer for My Sons": "The material in this book is powerfully dramatic. There are many situations that bring gulps to the throat. The situation where the son falls asleep in his mother's lap after a tiring walk should bring involuntary tears. The situation where Fawcus confronts the runaways and John (the boy) decides to go with his mother is powerfully dramatic.... From a quality point of view the picture should turn out either very good or excellent. And so should be its box office performance."

"The Gamblers": "This is an unpleasant story, with no human appeal. The selfish acts of the different characters, who are concerned mostly with their own welfare, are such as to awaken antagonism instead of sympathy. The sight of Katje, the heroine, trying to throw herself on a wealthy man so as to gain pecuniary favors is distasteful, to say the least. And, since most of the action is taken up with gambling, it is not particularly edifying entertainment. There is no doubt, however, that Warner Bros. will produce it on a lavish scale, since they have announced such big names as Errol Flynn, Edward G. Robinson, Bette Davis, and Basil Rathbone. . . . Alterations in the plot are necessary in order to invest the story with human appeal. If left in the form it now is it will make a lavish spectacle, but only fair in story value. . . ."

With such facts in your possession, can you doubt that you will be able to be on an equal footing with the salesman when he tries to sell you his 1937-38 season's product?

A Forecaster subscription blank has already been sent you. The rates for the different classes of exhibitors are given in it. Fill it in, make out your check for the right amount, and send it in by return mail. Forecasts of the other companies' stories will be printed as soon as available.

# HARRISON'S REPORTS

Yearly Subscription Rates:

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## PHILADELPHIA ZONE ORGANIZATION STRIKES AGAINST PARAMOUNT

On Monday, United Motion Picture Theatre Owners of Eastern Pennsylvania, Southern New Jersey, and Delaware, met at its headquarters in Philadelphia and declared a strike against Paramount's selling terms for the new season.

The exhibitors were so aroused against Paramount because of its outrageous selling terms and of its withholding of twelve choice 1936-37 season's pictures that they decided to stage a monster mass protest outside the Paramount exchange.

It was estimated that more than two thousand exhibitors and exhibitor employees will take part in the demonstration.

Immediately after the meeting telegrams were sent to all exhibitors in the territory suggesting delay in buying until the exhibitor organization obtained from Paramount equitable terms. It was also decided that the theatres of exhibitors who ignored the strike will be picketed by the loyal exhibitors.

A Committee for Protective Organization, consisting of fifteen leading independent exhibitors, was appointed to prosecute the strike with every legal weapon possible.

A subcommittee of the C. P. O. will attend the June 24 Washington, D. C., conference of exhibitor organizations, called by Pete Wood at the Washington Hotel, for the purpose of considering the situation created by Paramount's withdrawal of pictures that belong to the 1936-37 season.

### THE FATE OF SOME OF THE WITH-HELD PARAMOUNT PICTURES

An item in the June 17 issue of the New York *Times* read as follows:

"Paramount's 'Soul at Sea' will not arrive for its scheduled premiere at the Astor on June 30. The film was completed some weeks ago but was returned to production for added sequences and still is before the cameras. The studio, however, will be represented on Broadway next month by the Rouben Mamoulian production of the Jerome Kern-Oscar Hammerstein musical, 'High, Wide and Handsome,' starring Irene Dunne. No definite opening date yet."

The same day's mail brought the following announcement from the Paramount Home Office:

"'High, Wide and Handsome' . . . will launch

the 1937-38 Paramount season as a two-a-day road show attraction at the Astor Theatre opening early in July, Neil Agnew, vice president in charge of distribution, announced today, following his return from the company's annual sales meeting recently held in Los Angeles. . . . "

In his letter to those who have protested against the withholding of 2 Marlene Dietrich pictures; 1 Claudette Colbert picture; "The Diamond Rush," with either Gary Cooper or Fred MacMurray; 1 other Gary Cooper; Rex Beach's "The Barrier"; "Count of Luxemburg," with Irene Dunne, John Boles and W. C. Fields; "That's What Girls Are Made Of," with Sylvia Sidney and Fred MacMurray; "Artists and Models"; "Easy Living," with Jean Arthur, 1 W. C. Fields feature, and 1 with Harold Lloyd, in addition to "Souls at Sea" and "High, Wide and Handsome," or 14 pictures in all, Mr. Zukor said partly:

"'Souls at Sea' and 'High, Wide and Handsome' have been in production all year and have just been completed in so far as camera work is concerned. There is considerable work to be done on them and much money to be expended . . . they will not be completed for some time. . . ."

Mr. Zukor began sending his letters to the complaining exhibitors during the first week in May, or fully three months before the picture season ended, and, as commented upon in the June 12 issue, his studio could have delivered these two pictures to the contract holders. But the Paramount office now says that "High, Wide and Handsome," which stars Irene Dunne, as promised in the work sheet, is completed, well enough, but will not be delivered to the 1936-37 season's contract holders; instead it will be included in the 1937-38 season's group, just as will "Souls at Sea," along with ten other choice pictures.

Here is some additional important information for you relative to some more of the withheld pictures:

"Artists and Models," delivery of which was promised by the 1936-37 season's work sheet in January, was completed June 18. Assuming that it would require a month for editing, scoring and, if necessary, retaking some of the scenes, it could still be delivered within the picture year.

Shooting of "Angel," the first Marlene Dietrich picture to be produced during the 1936-37 season, in which the contract holders were promised two pictures with Marlene Dietrich, was completed in

### "Slave Ship" with Warner Baxter, Wallace Beery and Elizabeth Allan

(20th Century-Fox, July 2; time, 91 min.)

An unpleasant, sombre melodrama; its appeal should be directed chiefly to men. The hero is an unsympathetic character, for he is shown as having been dealing in slave traffic for many years. The fact that he wanted to give up the illicit business when he fell in love with the heroine does not change one's feelings towards him. The romance seems forced and illogical. Some of the situations, such as the one in which the crew try to force the slaves, who were chained, to jump into the river, will sicken sensitive persons, as will the scenes in which the chained slaves, forced into cramped quarters, are beaten. The second half holds one in suspense because of the danger to the hero and the heroine. Mickey Rooney, as the youngest member of the crew, provokes laughter by his efforts to prove himself a man. The action takes place in 1857:—

Baxter and Wallace Beery, his chief assistant, carry on a prosperous business in slave traffic. They buy the slaves in Africa and sell them to American bidders. Baxter knew that if he were caught he would be hanged. When he meets Elizabeth Allan, a sweet, innocent young girl, he falls desperately in love with her and, without telling her of his profession, proposes. He notifies Beery to discharge the crew, telling him he was through. But Beery and the crew do not want to give up so profitable a business. Consequently, when Baxter and his bride board the ship they make them prisoners. Baxter then is compelled to tell all to his wife. She is horrified and refuses to have anything to do with him; but later she relents and together they try to figure out a way to frustrate the plans of the crew, who had picked up another cargo of slaves in Africa. Baxter, gaining control of the ship's ammunition, knocks out his guard. He then steers the ship towards St. Helena, there to turn it over to the authorities. The crew, fearful of their fate if the slaves were found, try to drown them; but Baxter, at the point of a gun, makes them unlock the chains, permitting the slaves to swim to safety. In a fight between authorities and the crew, many men, including Beery, are killed; the survivors are taken prisoners. Miss Allan's plea for her husband wins his freedom.

William Faulkner wrote the story, and Sam Hellman, Lamar Trotti and Gladys Lehman, the screen play; Tay Garnett directed it, and Nunnally Johnson produced it. In the cast are George Sanders, Jane Darwell, and others,

Too strong for children or adolescents. Adult fare. Class B.

### "Last Train from Madrid" with Dorothy Lamour and Lew Ayres

(Paramount, June 25; time, 77 min.)

Only fair program entertainment. The story, rather disconnected and far-fetched, revolves around seven characters-their love affairs and their efforts to get out of wartorn Madrid. Each affair is of equal importance, the attention not being focused on any one character in particular. This distracts the spectator, making him lose interest in the outcome. Parts of it are dull and parts mildly exciting. The closing scenes, which show the train finally departing, are the most effective. Olympe Bradna, as a young Spanish girl, shows talent; one is moved deeply by her acting in the scene where she embraces her doomed father:-

Lew Ayres, an American newspaper reporter, befriends Miss Bradna and, through a ruse, is able to get into the prison to see her father before being shot by the government. He makes her believe that her father was to be freed. During an air attack, they hide in a cellar, where they find bottles of wine. Ayres proceeds to get drunk and then marries Miss Bradna. When he sobers up, he is pleased, for he had fallen in love with her. They receive a pass to leave Madrid. Robert Cummings, a young soldier who did not want to fight, becomes acquainted with Helen Mack, whose fiance had just been killed; he begs her for the man's pass for the train. At first she refuses, because she thought that Cummings was a coward; but in a short time she realizes he was right and prepares to leave with him. While on the way to the train, they are held up by bandits and Miss Mack is killed. Cummings, heart broken, proceeds out of Madrid alone. Gilbert Roland, a political prisoner, through the help of Anthony Quinn, intimate friend, and Karen Morley, a noblewoman who was in love with him, is enabled to leave on the train and thus be united with Dorothy Lamour, an aristocratic Spanish girl, with whom he was in love. Quinn, who, too, loved Miss Lamour, gives his life so that the lovers might be together.

Paul and Elsie Fox wrote the story, and Louis Stevens and Robert Wyler, the screen play; James Hogan directed it, and George Arthur produced it. In the cast are Lionel Atwill, Lee Bowman, and others.

Suitable for all. Suitability, Class A.

### "When Thief Meets Thief" with Douglas Fairbanks, Jr., Valerie Hobson and Alan Hale

(Criterion-United Artists, June 4; time, 84 min.) This English-made melodrama is only fair entertainment for the American market, in spite of the fact that the leading players are known here. The plot is far-fetched, but since the action is fast, it may please those who enjoy crook melodramas. It is somewhat demoralizing, for the hero, who is shown committing crimes, goes unpunished. Because of this, and of the fact that the heroine does nothing to awaken sympathy, one is not touched by their predica-

ment in the closing scenes:-

Fairbanks, college bred, works as assistant to Alan Hale, a bootlegger. In a quarrel with a fellow-worker, Fairbanks strikes him. The fellow-worker falls to the ground and, his head having hit against a glass bottle, dies. Hale makes Fairbanks believe that he had killed him with his ring from which a piece had been chipped. Hale, to hold Fairbanks in his power, takes the ring from him. Under threat of exposing him to the police, Hale forces Fairbanks to steal jewels for him. When Fairbanks, a few years later, rebels, Hale robs him of his share of the loot and runs away to England. Fairbanks, too, goes to England, where he continues stealing, getting rid of his loot through a jeweler. While at the jeweler's shop he notices his ring and learns that it had come from Valerie Hobson, who had sent it in for repair. He later enters her house to steal the ring and awakens her. They fall in love at first sight. She gives up her wealthy suitor, who was none other than Hale, posing as a financier, and goes to Fairbanks' boarding house; they plan to marry. But one day she disappears. Fairbanks finds out she had married Hale. He enters their home and in a quarrel Hale is accidentally killed. Miss Hobson then tells Fairbanks that, having learned who Hale was, she had married him to save his (Fairbanks') life. Miss Hobson is arrested for the murder, but Fairbanks tries to take the blame. Showing the court how he had entered their home in a spectacular leap, he is injured. Evidence comes before the Court to the effect that Hale's various enterprises were bankrupt; therefore, the court believes that Hale had committed suicide. This leaves the lovers free to marry

Gordon McConnell wrote the story, and John Meehan, the screen play; Raoul Walsh directed it, and Marcel Hellman produced it. In the cast are Edward Rigby, Barbara

Everest, and others

Unsuitable for children or adolescents. Class B.

### "Another Dawn" with Kay Francis, Errol Flynn and Ian Hunter (Warner Bros., June 26; time, 72 min.)

This drama will need the popularity of Kay Francis and Errol Flynn to put it across. It is an ordinary triangle story, with too much dialogue and too little action. Its appeal will be directed mainly to class audiences, because of the intelligent speeches the characters indulge in. The only truly exciting part is the situation that shows Errol Flynn and a small contingent of soldiers holding off Arab warriors in the desert, all but two of the British soldiers being killed. Ian Hunter, as the husband, wins one's sym-

pathy by his dignified actions.

In the development of the plot, Miss Francis, who had been grieving for her dead fiance, killed in an aeroplane accident, accepts Hunter's marriage proposal. Though he knew that she did not love him, he was willing to take a chance, feeling that in time her feelings would change. He takes her to live at the desert military outpost, which he commanded. Soon she realizes that she was in love with Flynn, a subordinate officer, and that he returned her love; but because of their respect for Hunter, they restrain their feelings. Hunter knows what had happened but, thinking only of Miss Francis' happiness, he takes over an assignment which should have gone to Flynn, to undo a military blunder, committed by Flynn, even though it meant certain death. His death paves the way for the lovers to marry.

The late Laird Doyle wrote the original screen play; William Dieterle directed it, and Harry Joe Brown produced it. In the cast are Frieda Inescort, Herbert Mundin,

G. P. Huntley, Jr., Billy Bevan, and others.

Although there is nothing immoral in the picture, it will bore children. Adult entertainment. Class B.

### "Sing and Be Happy" with Anthony Martin and Leah Ray

(20th Century-Fox, June 25; time, 63 min.)

Mild program entertainment. The plot is trite, the action slow, and the characterizations unpleasant. On the credit side are some pleasant popular tunes and Joan Davis clowning; each time she appears she provokes hearty laughter. The first fifty minutes are taken up with bickering between the hero, whose exuberance and prankish ways are extremely annoying, the heroine, and their respective fathers; their quarrels are pretty tiresome:

Berton Churchill insists that his son (Anthony Martin) give up flying around the country with his band and settle down to real work in his advertising business. He also demands that he stop seeing Leah Ray, daughter of his most bitter rival (Andrew Tombes), but Martin defies him. Churchill tries to ruin Tombes by buying information as to his advertising ideas from Allan Lane, Tombes' trusted manager. Martin learns of this from Miss Davis who, with Chick Chandler, her buddy, had overheard a conversation between Churchill and Lane while cleaning the office windows. Tombes and Churchill present each a radio program for Helen Westley, a prospective million dollar account, the best one to win the contract. Miss Ray sings on her father's program; but men, hired by Churchill, start to hoot her off. Martin rushes on the stage with his band and puts the program over, winning the contract for Tombes, who agrees to share it with Churchill. Miss Ray promises to marry Martin.

Ben Markson, Lou Breslow, and John Patrick wrote the original screen play; James Tinling directed it, and Milton H. Feld produced it.

Morally suitable for all. Class A.

### "Fly Away Baby" with Glenda Farrell and Barton MacLane

(Warner, June 19; time, 60 min.)

A fair program murder mystery melodrama, with comedy. The story is routine, but the action is fast. The comedy is provoked by the bickering between Glenda Farrell, a newspaper reporter, and Barton MacLane, police inspector, who had different theories about how the murder should be solved; but it is good-natured bickering, since they are in love with each other. The closing scenes, where the murderer is trapped, are fairly exciting:—

When a well known jeweler is found murdered and \$250,-000 worth of diamonds missing from his safe, MacLane comes to the conclusion that the job had been done by a well known jewel thief. But Miss Farrell has different ideas; she suspects that Gordon Oliver, son of a well known newspaper publisher, was somehow implicated in the matter. She induces MacLane to question Oliver, but they get no information. Learning that Oliver intended to race around the world, presumably as a publicity stunt, Miss Farrell induces her paper to send her along as a rival in the race so that she might keep a close watch on Oliver. MacLane follows her to Berlin; but again they are thwarted. Aboard the Zeppelin, bound for America, the matter is cleared up. Oliver had killed the jeweler; but he in turn is killed by Joseph King, the partner of the mur-dered jeweler, with whom he had been working. King jumps to his death when trapped. Miss Farrell is given a bonus by her newspaper for her good work.

Dorothy Kilgallen suggested the story idea; Don Ryan and Kennth Gamet wrote the screen play, Frank MacDonald directed it, and Bryan Foy produced it. In the cast are Hugh O'Connell, Raymond Hatton, and others.

Unsuitable for children. Adult fare. Class B.

Note: There is an obvious ad for the American Airlines.

### "She Had to Eat" with Rochelle Hudson, Jack Haley and Arthur Treacher

(20th-Fox, June 11; time, 731/2 min.)

Just average program entertainment. The story is silly to the point of boredom; it lacks human appeal and fails to hold one's attention. Arthur Treacher and Eugene Pallette, both good comedians, are able to make some of the lines sound comical, but they are handicapped by poor material. The few songs do not help matters much

While drunk, Eugene Pallette, an eccentric millionaire, who is followed around by his faithful valet (Treacher) suggests to Jack Haley that he give up his gasoline station to travel with him. Haley agrees to this; but when Pallette sobers up he does not recognize him and insists that Treacher throw him off his private train. Haley, penniless, is befriended by Rochelle Hudson, who was clever at trick-

ing people into giving her everything she needed without paying for it. On three occasions Haley, mistaken for a notorious gangster, who had escaped from prison, is picked up by police and, when finger prints are compared, is released. He and Miss Hudson meet Pallette who, drunk again, recognizes Haley and insists that they join him. Douglas Fowley, a gangster, thinking Haley to be the escaped criminal, follows him to Pallette's private car. By a ruse, Miss Hudson notifies the police, who come to their rescue. Miss Hudson and Haley decide to marry, to earn their living in a legitimate way

James Edward Grant and Morris Musselman wrote the story, and Samuel G. Engel, the screen play; Malcolm St. Clair directed it, and Samuel G. Engel produced it. In the east are Tom Kennedy, John Qualen, and others. Unsuitable for children. Adult fare. Class B.

### "You Can't Beat Love" with Preston Foster and Joan Fontaine

(RKO, June 25; time, 61 min.)

A fair program entertainment, revolving around politics; eombines comedy with romance and melodrama. Although the story offers nothing that is unusual in the way of treatment, it pleases to some extent because of the breezy performances and the fast action. It becomes somewhat exciting in the closing scenes, where the hero outwits the crooked politicians. The romance, developed in the

routine manner, is pleasant:-

Preston Foster, a wealthy playboy, cannot resist a dare. So when his friends dare him to go to work digging a ditch dressed in evening elothes, he takes the dare. At first the real workers think he is silly, but after he knocks out one man they respect him. When Joan Fontaine, daughter of the Mayor who was running for office again, tries to speak to the workers, Foster heckles her. When she dares him to run as her father's opponent, he takes the dare and sets up an office. By asserting that the Mayor's administration was crooked, he wins over the workers. And to prove his assertions he engages two petty racketeers to involve the police commissioner and others. In the meantime, Miss Fontaine, overhearing a conversation between Foster and the racketeers, thinks he is crooked and, at a debate between the two opponents, she so tells the audience. But Foster, by means of dictaphone records, proves otherwise, denouncing the Police Commissioner. But he states that his opponent knew nothing of the erookedness; and in a grand gesture he, telling the audience that his opponent would make a better Mayor, resigns. Miss Fontaine rushes to his arms.

Olga Moore wrote the story, and David Silverstein and Maxwell Shane, the screen play; Christy Cabanne directed it, and Robert Sisk produced it. In the cast are Berton Churchill, Frank Thomas, Paul Hurst, and others. Suitable for all. Suitability, Class A.

### "A Day at the Races" with the Marx Brothers, Maureen O'Sullivan and Allan Jones

(MGM, June 11; time, 109 min.)

Very good! The Marx Brothers are at their best and funniest here. Unhampered by a plot, they are permitted to run all over the lot; and some of their antics are screamingly funny. The most comical scene is that in which Groucho, a horse doctor who pretended that he was a regular doctor, undertakes to examine a woman with the assistance of Harpo and Chico. Needless to say that their methods cause much merriment. Between their various comedy scenes have been interpolated music and a pleasant romance. The popular songs are good, particularly the song in which negro singers and dancers participate. The racetrack scenes at the close are riotous.

In the development of the plot, Groucho, a veterinarian, arrives at the sanitarium owned by Maureen O'Sullivan, and poses as a regular doctor. The purpose in calling him there was for him to humor along a wealthy patient (Margaret Dumont), in the hope that she would help Miss O'Sullivan pay notes due to Douglas Dumbrille, who had been trying to take the property away from her. Things look bad until Allan Jones, Miss O'Sullivan's sweetheart, by entering his horse in a race, wins enough money to pay

the debts. Peace is once more restored. Robert Pirosh and George Seaton wrote the story, and Messrs. Pirosh and Seaton, assisted by George Oppen-

heimer, the screen play; Sam Wood directed it, and Max Siegel produced it.

Suitable for all. Class A.

the week ending June 12. But Paramount will not deliver it to the 1936-37 season's contract holders, for it is already selling it in the 1937-38 season's group.

Paramount announced for the 1936-37 season a maximum of sixty-five pictures. Up to "Last Train from Madrid," announced for release June 25, it will have delivered, excluding the westerns, forty-eight pictures. According to a letter sent by a Paramount branch manager to an exhibitor, the total number that will be delivered during the current season will be fifty-three pictures, or twelve short of the maximum number. This gives rise to the following thought: Paramount is delivering the 1936-37 season's product twelve pictures short by withholding some of the choicest pictures of the season; but it is not delivering the number of the high-allocation pictures short. How can Paramount justify its conduct?

Prompted by this injustice, United Motion Picture Theatre Owners of Eastern Pennsylvania, Southern New Jersey and Delaware, in its June 3 Bulletin, commenting upon Paramount's act of withholding choice 1936-37 season's pictures, said partly the following:

"And now Paramount has the unmitigated gall to try to sell you some of these undelivered pictures as part and parcel of next year's (1937-38) contract: And they have the additional nerve to ask INCREASED RENTALS to the tune of:

"'Four pictures at 35% with a 50% split over a certain average. Eight pictures at 30% with a 50% split over a certain average. Ten pictures at 30% with a 50% split over a certain average—with a proviso that they may drop into the 25% class with a 50% split if they do not turn out as good as expected.

"'Fifteen pictures at 25% with a 50% split over a certain average. And 15 pictures at outright rental [Editor's Note: Most of which Paramount may not deliver]. (You can imagine what "dogs" these will be!) To this we may only wish to add: HOW SOON WILL THE WORM TURN?

"Thursday morning you received a telegram urging that your Organization be represented at a meeting of action to be held at the Washington Hotel, Washington, D. C., on Thursday, June 24th. ARE YOU MICE OR ARE YOU MEN? The answer is plain:

"MICE, if you are not represented; MEN, if you are!"

Harrison's Reports suggests to the organizations that will be represented at this meeting in Washington to send a committee to call on each of the members of both the Senate and the House Committee on Interstate Commerce to call their attention to the fact that the major companies, which are opposed to the elimination of block-booking and blind-selling, are prompted by ulterior motives, for so far as they are concerned there is no block-booking; they may force the exhibitor to buy in blocks, but after he buys the block he cannot compel the distributors to deliver the full block, as the Paramount case conclusively proves.

## WHEN A DISTRIBUTOR DELIVERS HIS SEASON'S PRODUCT SHORT

At the Allied convention in Milwaukee, Mr. Richey dwelt extensively upon the effect that the failure of distributors to deliver their full number of pictures has upon the exhibitor's "average."

I don't know whether every exhibitor is aware of this fact or not. For this reason, I am bringing an example.

The pictures most distributors fail to deliver come from the low allocations, for every distributor sees that his high allocation pictures—his 35%, his 30%, and even his 25% pictures—are delivered in full.

Let us now assume that you made the following purchase:

10 pictures at \$100 each minimum guarantee\$1,000	0
10 pictures at \$75 each minimum guarantee	0
10 pictures at \$40 each minimum guarantee	0
20 pictures at \$20 flat rental 40	0
The total amount is\$2,55	0
The average per picture is \$5	1

But suppose that the distributor delivers the pictures of the three high allocation groups in full, but only 10 of the \$20 flat rental group. What happens? Your average comes to \$58.75, because, dividing \$2,350, the total amount of guarantee and flat rental, by 40, the number of pictures the distributor will deliver, you get \$58.75 as an average, or \$7.75 more than you had figured out, making you pay \$313, or 13%, more rental than you had bargained for.

Naturally for exhibitors whose guarantee and flat rentals are much higher, the losses are correspondingly greater.

The distributors have known that delivering their product short gives them profits that they had not worked for. That is why they have been resorting to this unfair, unjust and unethical practice all along. And that is why you should insist that Paramount make some kind of restitution, for the shortage of pictures was, not in the high allocation groups, but in the flat rental group.

Take a pencil and figure out the amount of money Paramount is taking out of you without being entitled to it. You should not find it difficult to figure it out. And when you finish the figuring, then take up the case of Columbia and the Capra pictures they failed to deliver to you in the 1934-35 season (sold two but delivered only one—"Broadway Bill"), the 1935-36 season (4 sold, 2 to be directed and 2 to be supervised by Capra—one delivered, "Mr. Deeds Goes to Town"), and the 1936-37 season (2 sold, none delivered.)

Isn't it about time something were done to put an end to this practice?

### IN TWO SECTIONS—SECTION ONE

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### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XIX

SATURDAY, JULY 3, 1937

No. 27

### A "BRIGHT" AD SALES MANAGER

Mr. Benjamin T. Pitts, of Fredericksburg, Virginia, owns about fifteen theatres, and consumes quite a few press sheets in planning campaigns for his high allocation pictures.

Recently he booked "God's Country and the Woman" and wrote to Warner exchange for four press books for that picture. The following is the reply he received from J. L. Mathews, Ad Sales Manager:

"In connection with your request for (4) pressbooks on GODS COUNTRY AND WOMAN please be advised that although we are anxious to furnish to your houses free suggestions disclosed in each pressbook we find it to our advantage to give pressbooks to only those accounts buying our accessories.

"We should like to know why you request a large number of pressbooks in view of the fact that your gross purchases of our accessories has been nil.

"In the future please be advised that pressbooks will be available to only those exhibitors buying exclusively our paper.

"We realize that this new rental plan recently adopted offers to you accessories at prices far below those offered for similar data by the unethical service of independent poster houses."

This paper is not in a position to know whether the policy this Ad Sales Manager speaks of has been adopted on orders by the Warner Home Office. Personally I doubt it; and if I am correct, Gradwell Sears should promote him by sending him to Timbuctu, for there is where such Ad Sales Managers belong.

#### **ALLIED DROPS CONCILIATION MOVE**

The offer made by Allied States Association through Al Steffes, chairman of the Exhibitor Defense Committee, that the exhibitor-distributor differences regarding theatre ownership by producers be settled by peaceful means so that Allied legislative program may be made unnecessary has met just the reception this paper felt it would meet—half-hearted.

The reception was, in fact, so weak that the Exhibitor Defense Committee has decided to proceed with its legislative program vigorously, and to ignore any future offers by the producers for conferences.

And now that the die has been cast, every exhibitor should give the Defense Committee its fullest co-operation.

The Committee is after two laws, to be put through in as many state legislatures as possible: A Theatre Divorce Measure, like that of North Dakota, and a graduated theatre chain tax measure, taxing theatre chains from five cents a seat to five or ten dollars a seat.

If you have not yet made your contribution to the Exhibitor Defense Committee, make one at once. Send your check to Mr. James Ritter, Rialto Theatre, Detroit, Michigan.

#### SUMMER IS HERE!

Nature has its swallows to herald the arrival of spring. The motion picture industry has its poor pictures to herald that the end of the picture season is approaching. Just look at the releases for the last two months and you will be convinced of the fact.

Let us, for instance, take the last few issues, beginning with the issue of June 26 and "walking backward," to see what the producers have offered lately:

June 26: "Slave Ship," 20th Century-Fox: Unpleasant and sombre entertainment. "Last Train From Madrid," Paramount: Only fair. "When Thief Meets Thief," United Artists: Fair, but demoralizing. "Another Dawn," Warner Bros.: Poor. "Sing and Be Happy," 20th Century: Mild. "Fly Away Baby," Warner: Fair murder mystery melodrama. "She Had to Eat," 20th Century-Fox: Fair. "You Can't Buy Love," RKO: Fair. "A Day at the Races," MGM: Very Good.

June 19: "Parnell," MGM: Well made but not a pleasant entertainment. "White Bondage," Warner Bros.: Poor and depressing. "Meet the Missus," RKO: Fair. "Border Cafe," RKO: Fair. "Forever Yours," Grand National: Poor. "Hotel Haywire," Paramount: Mediocre. "Big Business," 20th Century-Fox: Nice program picture. "The Girl Said No," Grand National: Very Good.

June 12: "The Case of the Stuttering Bishop," Warner: Fairly good program picture. "League of Frightened Men," Columbia: Fair murder mystery program melodrama. "Talk of the Devil," Gaumont British: Not much to recommend it. "The Man in Blue," Universal: Poor. "Behind the Headlines," RKO: Good program. "I Met Him in Paris," Paramount: Entertaining. "There Comes My Girl," RKO: Ordinary. "The Go-Getter," Warner: Entertaining program. "What Price Vengeance," Independent: Ordinary.

There is hardly any necessity to quote from other issues.

### "Slim" with Pat O'Brien, Henry Fonda and Margaret Lindsay

(Warner Bros., June 12; time, 86 min.)

A good comedy-melodrama; it should direct a strong appeal to men. The background is novel; it shows the work done by linemen on high tension power transmission towers. This work is so hazardous that one is held in tense suspense each time the men start climbing to the top of the steel towers to do their work. The scenes showing them setting out on a stormy night to repair wires is thrilling and at the same time touching, for during those scenes Pat O'Brien, a likeable character, is killed, as is another man; the setting for this is extremely realistic. In spite of the fact that the romance develops into a triangle, it is not unpleasant, for it does not cause enmity between the friends; the one who is not loved steps out. Stuart Erwin is excellent in a comedy role, where he keeps up a constant line of chatter:-

Pat O'Brien, expert lineman, takes an interest in Henry Fonda, a young farmer, who insists that he had the making of a good lineman; he induces the foreman to give Fonda a job. Under O'Brien's tutelage, Fonda soon becomes an expert, working as O'Brien's partner. O'Brien takes him to Chicago to meet Margaret Lindsay, a nurse, with whom O'Brien was in love. Miss Lindsay is fond of O'Brien but knows that he would never marry her because of her insistence that he quit his risky job before she would consent. She and Fonda fall in love with each other. When he is injured on his job, she rushes to him and nurses him back to health; O'Brien learns of the love between his friends, but he does not object, nor does it break up his friendship with Fonda. Fonda, too, refuses to give up his work as lineman, and so he and Miss Lindsay part. She soon follows him and arrives at his boarding house on a stormy night; there she hears that all the men had gone out to repair wires. She becomes frantic and rushes to the power house, where she watches the men work. When a wire breaks, O'Brien falls to his death, and Fonda is left hanging on to the wire, suspended in the air; he is rescued. But he immediately goes back to his work. By this time Miss Lindsay understands what the job means to Fonda; she tells him she will marry him.

William Wister Haines wrote the story and screen play; Ray Enright directed it, and Sam Bischoff produced it. In the cast are J. Farrell MacDonald, Dick Purcell, Craig Reynolds, and others.

Suitable for all. Class A.

"Damaged Goods"

(Grand Nat'l., Apr. 27; time, 56 min.)

This cannot be treated as a regular release, and should not be exhibited as such. It is an educational study of the horrors of syphilis, and in its way, a preachment in favor of governmental supervision for the treatment of the disease. Since the purpose in making this picture was presumably to enlighten the public, it rightfully belongs in lecture halls and not in theatres, where patrons may object to paying for medical education.

A simple story has been used to illustrate the point: A month before his marriage, the hero is given a bachelor dinner where, under the influence of liquor, he is lured by a young entertainer into having relations with her. He contracts syphilis and is warned by a doctor not to marry for at least three years. Afraid lest he lose his fiancee if he waited that long, he takes the advice of a quack doctor, who asserted that he could cure him in six months. At the end of six months, thinking he was cured, he marries without telling his wife anything about his illness. The baby born is a weakling. The truth is finally told to the hero's wife. She is horrified and refuses to see her husband. Eventually, through the kindly intervention and help of the first doctor, the hero and the heroine are reconciled, determined to cure themselves and their baby.

The plot was adapted from the play by Eugene Brieux. Upton Sinclair adapted it and Joseph Hoffman wrote the screen play; Phil Stone directed, and Phil Goldstone produced it. In the cast are Pedro DeCordoba, Phyllis Barry, Douglas Walton, Arletta Duncan, and others.

Not for children or adolescents. Adule fare. Class B.

### "Married Before Breakfast" with Robert Young and Florence Rice

(MGM, June 18; time, 701/2 min.) An enjoyable program comedy, light and somewhat nonsensical. It is, however, consistently entertaining because of the pleasant characterizations; instead of making Robert Young (hero) a boorish fellow, as is the case in most pictures of this type, the author has made him a fellow who loves fun but who also has common sense and good traits. The situation where Young, who had suddenly become wealthy by selling a shaving formula, gives a party for his former boarding house friends, and surprises them all with gifts such as they had always wished for, is touching. His good efforts on behalf of Florence Rice (heroine) and her fiance, who had to persuade a stubborn prospect to take out an insurance policy before the fiance could receive a promotion, lead him into an exciting encounter with crooks, drunkards, and finally the police. Young, by paying the first ten years of the insurance premium, induces the customer to take the policy, thereby insuring the fiance's future. But afterward he comes to realize that he himself loved Miss Rice, and that he was happy he had been jilted by his society fiancee (June Clayworth). In an exciting climax, he wins Miss Rice away from her staid suitor, and induces her to leave with him on a roundthe-world trip and be married by the captain of the ship.

Harry Ruskin wrote the story, and George Oppenheimer and Everett Freeman, the screen play; Edwin L. Marin directed it, and Sam Zimbalist produced it. In the cast are Burnett Parker, Warren Hymer, Helen Flint, and others.

Suitable for all. Class A.

### "The Affairs of Cappy Ricks"

(Republic, May 24; running time, 561/2 min.)

Just a mild program entertainment, based on an inoffensive story

The theory upon which the story has been built is supposed to be the belief that many persons resent modern improvements. It is shown that an old captain returns home and when he finds that his family, associates and friends had gone ultra-modern, he resents it and proceeds to bring them back to the "straight but narrow path." In league with his only loyal friend (hero), who loved his younger daughter, he takes his family and his son-in-law's family aboard his yacht and, near some lonely islands in the Pacific, fakes a fire, making it appear as if the yacht had caught fire. They all make the shore in lifeboats, and live on the island. The captain makes every one work, and a few of them like the transformation from idlers to useful persons. Rescue eventually comes, but not until after the captain had brought about transformation in every one of them.

The story, an original, was written by Peter B. Kyne; it was put into screen-play form by Lester Cole, Ralph Staub directed it and Burt Kelly produced it. The cast consists of Walter Brennan, Mary Brian, Lyle Talbot. Frank Shields, Frank Melton, and others.

Harmless entertainment. Suitability, Class A.

### "Girls Can Play" with Charles Quigley and Jacqueline Wells

(Columbia, June 21; time, 60 min.)

This program melodrama is average entertainment, with one novelty, and that is, the introduction of the game of softball played by girls' teams; this should appeal to those who like baseball. Otherwise, the story is of the routine gangster type, with murders. One unpleasant situation is where a young girl player, whom the gangster leader wanted to get rid of, is murdered; the way in which this is done is, however, unique. The closing scene in which the gangster leader tries to use the heroine as a shield in his attempt to escape holds one in suspense. The love interest is pleasant:

Jacqueline Wells, out of work, accepts a job as player on softball team, sponsored by John Gallaudet, owner of a drug store. Charles Quigley, a newspaper reporter, who had become interested in Miss Wells, is instrumental in saving Gallaudet from being shot. When the man who had attempted to kill Gallaudet is found the next morning murdered, Quigley connects the murder with Gallaudet. Upon investigation, he learns that Gallaudet was connected with many rackets. In the meantime, Rita Hayworth, a member of the team, who had promised to tell Quigley all she knew, is murdered. The police close in on Gallaudet, who escapes from his office, holding Miss Wells as a shield. Quigley overpowers him, turning him over to the police. Miss Wells joyfully rushes to Quigley's arms.

Albert DeMond wrote the story, and Lambert Hillyer wrote the screen play and directed the picture; Ralph Cohn produced it. In the cast are George McKay, Gene Mor-

gan, Patricia Farr, and others.

Unsuitable for children or adolescents; harmless for adults. Class B.

## "Rhythm in the Clouds" with Patricia Ellis and Warren Hull

(Republic, June 21; time, 63 min.)

Despite a better than average production, this is a weak box-office attraction. The plot is far-fetched and the action tiresome, causing the spectator to become restless before the picture is half finished. One of the unpleasant features is the constant squabbling between the hero and the heroine, which results in their banging on walls and driving each other almost frantic. The music, which is of the popular variety, should find favor with most audiences:—

Patricia Ellis, a poverty-stricken songwriter, upon reccipt of a letter from David Carlyle, a famous band leader, informing her that he didn't have time to look at her music because he was going out of town, conceives the idea of using his signature to a letter giving her permission to live at his apartment during his absence. When a wellknown advertising agency calls asking for Carlyle's music, Miss Ellis promises to bring it down. She uses her own music, adding Carlyle's name to her own. The sponsor of a radio program is so taken with the music, that she signs up Miss Ellis, promising to use all her music. Warren Hull is called in to write the lyrics. Both he and Miss Ellis are unaware that they were next door neighbors and that each was the one that had been banging on the other's walls to keep quiet. When they find this out they start quarreling anew, but eventually patch up their quarrels. Things look bad when Carlyle returns and finds out what had happened. However, he decides to be a good sport about the whole thing, telling the radio audience that he thought Miss Ellis was a great artist. Miss Ellis and Hull are united.

George Mence and Ray Bond wrote the story, and Olive Cooper, the screen play; John H. Auer directed it, and Albert E. Levoy produced it. In the cast are William Newell, Richard Carle, Zeffie Tilbury, Joyce Compton, and others.

Morally suitable for all. Class A.

## "Riding on Air" with Joe E. Brown and Florence Rice

(RKO, June 18; running time, 71 min.)

A typical Joe E. Brown comedy, with plentiful laughs and fast action; it should direct a strong appeal to the juvenile trade. Brown again enacts the part of a simple-minded soul who is taken advantage of by many persons, only to emerge the victor in the end. The story is far-fetched and at times even silly; but this will probably be overlooked by those who like Brown's clowning, for he is given ample opportunity to carry on his antics. The love interest is pleasant:—

Brown, reporter on a small town newspaper, wastes his money on inventions, much to the annoyance of Florence Rice, his sweetheart. When he wins \$5,000 in a radio contest, Miss Rice is overjoyed, for she felt that now he could buy the newspaper; but she is enraged when she learns that he had invested all the money in a company, formed by Guy Kibbee, a confidence man, to handle a radio airplane beam invented by Brown's friend, Anthony Nace. Led on by Kibbee, Brown induces all the business men in town to invest their money in the company. When it is discovered that Kibbee was a crook, the enraged business men rush to Brown, only to find that he had gone off on an aeroplane trip; they feel certain that he was running out on them. While on the trip, Brown, by means of the radio beam, is able to capture a gang of perfume smugglers, who were wanted also for murder. Brown naturally becomes famous and sells the invention for millions, thereby insuring the investors and his future. Upon his return, he is greeted by his neighbors as a hero. Miss Rice rushes to his arms.

Richard Macaulay wrote the story, and Richard Flournoy and Richard Macaulay, the screen play; Edward Sedgwick directed it, and David L. Loew produced it. In the cast are Vinton Haworth, Harlan Briggs, and others.

Suitable for all. Class A.

## "Armored Car" with Robert Wilcox and Judith Barrett

(Universal, June 20; time, 64 min.)

A fair program action melodrama. The routine story is developed without any novel angles; yet it manages to hold one in some suspense because of the danger to the hero, who posed as a crook in order to trap gangsters. There are a few exciting situations, caused by encounters between

crooks and employees of an armored car company. The closing scenes provide the most thrills; there the hero prevents the crooks from blowing up an armored car, and is instrumental in their capture. A mild romance has been worked into the plot:—

Robert Wilcox, employed by an armored car company, is considered an efficient worker. Because he had an appointment with his sweetheart (Judith Barrett), he asks a friend to take his place on the night shift. That night gangsters blow up the armored car, killing the friend. During an investigation, the detective in charge brings out the fact that Wilcox was a former convict; although his record with the company was clean, he is discharged. He goes off on a drinking spree, and, despite the pleas of Miss Barrett and friends, he joins the gang, giving them secrets of the armored car company. They plan to blow up a bridge over which an armored car was to pass. Wilcox sneaks away from the hideout and tries to stop the armored car. But his former friends, thinking that he was trying to hold them up, refuse to stop at first; they finally do, and just in time. In the meantime, the police, who had followed the armored car, arrive. The gang is captured; at the same time it is brought out that Wilcox was a detective, who had assumed the criminal record to get in with the gang. Wilcox and Miss Barrett marry.

William Pierce wrote the story, and L. R. Foster and Robt, N. Lee, the screen play; Louis R. Foster directed it, and E. M. Asher produced it. In the cast are Cesar Romero, Irving Pichel Luez Courtney, and others

Irving Pichel, Inez Courtney, and others.
Unsuitable for children. Adult fare. Class B.

### "The Road Back"

(Universal, July 18; time, 104 min.)

Considering the material that Universal had to work with, "The Road Back" should have turned out a stirring drainatic account of the difficulties for men, just back from war, in readjusting themselves, Instead of dwelling on these difficulties and arousing the audience's sympathy, the producers saw fit to stress the comedy angle, and to such a point that it weakens the picture's dramatic quality.

No fault can be found with the technical end; the war scenes in the beginning are as impressive as ever seen in pictures; they bring out strongly the uselessness of war; also the fact that most men do not want to fight. For instance, when a company of disbanded German soldiers, on their way home, meet a disbanded company of American soldiers, one is made to feel as if they were old friends instead of erstwhile enemies.

Several of the situations are powerful. The scene in which a mob of hungry Germans, including ex-soldiers, march on the village square and are stopped by soldiers, is one of them. One is moved to tears when the Captain orders the shooting of the young ex-soldier, who had marched forward to speak for the people.

There are many individual situations that could be picked out and commented upon for their stirring quality. But between these scenes is injected cheap comedy, revolving around the romance of Slim Summerville and Louise Fazenda.

There is no connected plot; the story is episodic, moving from one situation dealing with one character, to another situation dealing with another character. For this reason there is no one upon whom the spectator can focus his attention for any considerable length of time.

The story deals with the plight of the returning German soldiers. Instead of being greeted by their townsfolk, they are spat upon, for the people are in a revolutionary mood, tired of war and hunger, desiring to live like real human beings again. But the soldiers, filled with memories of the hardships they had gone through, and of the misery they had scen, cannot reconcile themselves to the new order of things. When one of them finds his sweetheart carousing with a war profiteer, he kills the profiteer. At his trial, John King, his buddy, makes a passionate plea for his friend, bringing to the attention of the jury the fact that in war a man is made to settle all issues with a gun; but it is useless—the jury finds the hoy guilty and the judge sentences him to be hung. King and Richard Cromwell, the two most serious of the returned soldiers, decide that the only thing for them to do is to try to readjust themselves to the new life.

The plot was adapted from the novel by Erich Maria Remarque. R. C. Sheriff and Charles Kenyon wrote the screen play, James Whale directed it, and Edmund Grainger produced it. In the cast are Andy Devine, Barbara Read, Noah Beery, Jr., and others.

Suitable for all. Class A.

## PENNSYLVANIA FIRST STATE TO TAX THEATRE CHAINS

The first state to pass a chain store tax law that includes theatres is Pennsylvania: A Bill was introduced in the Lower House by Messrs. Patterson and Stank to tax chain stores in accordance with the number of stores a company owns, but when it reached the Senate it was amended so as to cover also theatres. And the amended Bill became a law on June 5, on which day the Governor signed it.

The tax the theatres are now required to pay yearly is as follows:

For one theatre, \$1; for the next four, \$5 each; for the next five, \$10 each; for the next five, \$20 each; for the next five, \$30 each; for the next ten, \$50 each; for the next twenty, \$100 each; for the next twenty-five, \$200 each; for the next twenty-five, \$250 each; for the next one hundred, \$350 each; for the next three hundred, \$450 each; and for each theatre after five hundred, \$500 each.

Unfortunately the tax is not heavy enough to accomplish the object for which the bill was originally introduced—to equalize the advantages a chain has over a small business man. A chain like that of Warner Bros., for example, which owns in the state of Pennsylvania approximately 167 theatres, will be taxed about \$26,000—not enough even to hamper it. Had the tax been placed on the seats, beginning with a small amount and reaching as high as \$5, or even \$10, per seat, in accordance with the number of theatres a company owns nationally, and not within the state alone, Warner Bros., would be required to pay to the state of Pennsylvania at least \$100,000.

You may feel that even \$5 per seat would be too small to make a company such as this feel it, but it will at least have one effect—that of discouraging the big companies from entering small towns. Five thousand dollars a year paid by the chain for a one-thousand seat theatre in a town of 15,000 inhabitants or fewer would certainly equalize the advantage an affiliated theatre enjoys as a result of its buying power.

Bills taxing theatres as well as stores have been already introduced in the legislatures of the states of Minnesota and Wisconsin. The two Bills are identical. They provide for the following tax:

For an exhibitor who owns one theatre and is not affiliated with any other exhibitor or theatre corporation, the tax is five cents per seat. If a person or company owns from two to five, the tax is ten cents. From this point on, the tax increases five cents per seat for each group of five theatres. In other words, for fifteen theatres, the tax is fifteen cents per seat for each theatre; 20 cents per seat for every theatre if the chain consists of twenty theatres; 25 cents per seat, if the number is twentyfive; 30 cents per seat, if the number is thirty; \$1 per seat if the number of theatres is one hundred; \$5 per seat, if a chain owns five hundred or more theatres. The tax stops at \$5 per seat, no matter how many more than five hundred theatres a chain owns.

If this bill were enacted into a law, considerable relief will be offered to the small theatre men, for the advantages a chain has over the small theatre men will be equalized. Today the exhibitor who owns a small number of theatres is at a great dis-

advantage, for his affiliated competitor can buy better runs at less money. As a matter of fact, the exhibitor who has a chain theatre as a competitor often cannot buy, as you very well know, any pictures at all, no matter how much money he offers.

If the legislature of your state is now in session, see that a bill like that which has been introduced in the legislatures of Minnesota and Wisconsin is introduced in it; if not, take steps to see that such a bill is introduced as soon as it convenes.

## DATE OF WASHINGTON MEETING CHANGED

Because of the fact that many exhibitor leaders could not be present at the meeting called by Pete Wood to take place at the Washington Hotel, Washington, D. C., on June 24, the date was changed to Tuesday, June 29.

Since this issue will be printed on the day the meeting will be held, the proceedings of the meeting will be published in next week's issue.

The meeting has been held, as you were told in last week's issue, for the purpose of protesting against the Paramount act of withholding at least twelve choice pictures from the 1936-37 season and of including them in the 1937-38 season's group.

All exhibitors have been asked to refrain from buying Paramount pictures until the Paramount injustice has been discussed and steps for the protection of the contract holders have been taken.

The thought of holding this protest meeting in Washington was, indeed, wise, for it will be possible to call the attention of Congress to this and many other problems that need its attention.

What has incensed many exhibitors is the fact that the withholding of these choice pictures was followed by the voting by the Paramount Board of directors to pay Mr. Adolph Zukor three thousand dollars a week salary, seven and one-half percent of the profits for the first two and one-half million dollars and five percent on all other profits. These exhibitors feel that taking pictures away from them to pay Mr. Zukor a salary and other emoluments not received by any other person in the United States is wrong and something should be done about it.

If you have not yet bought Paramount pictures, hold off buying them until you hear what action has been taken at this meeting.

## THE AUTOMATIC RENEWAL CLAUSE IN SOME NEWSREEL CONTRACTS

Some newsreel contracts contain a provision that renews them automatically; that is, without a request on the part of either the exhibitor or the distributor.

In some of these contracts the renewal occurs thirty days prior to the expiration of the contract; some, sixty days.

Look over your newsreel contract and if you find that it contains an automatic renewal clause, send a notice of cancellation at once, so that you may not be caught by its binding provision. You may send such a notice no matter whether you intend to renew the contract or not, for by being free of it you place yourself into a better bargaining position.

Since the newsreel contracts expire within a month or two, send your notice at once.

## HARRISON'S REPORTS

Vol. XIX NEW YORK, N. Y., SATURDAY, JULY 3, 1937

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Bar Z Bad Men—Republic (53 min.)Not Reviewed Behind the Headlines—RKO (57 min.)95	(56 min.)
Beloved Enemy—United Artists (87 min.)	Gun Smoke Ranch—Republic (57 min.)Not Reviewe
Beloved Vagabond, The—Columbia (66 min.)	Happy Go Lucky—Republic (69 min.)
Big Business—20th Century-Fox (60½ min.) 99 Bill Cracks Down—Republic (61 min.)Not Reviewed	Headin' For the Rio Grande—Grand National (61 min.)
Black Legion—Warner Bros. (82 min.)	Head over Heels in Love—G-B (86 min.)
Bold Caballero, The—Republic (71 min.)	Hearts in Reunion—20th Century-Fox (See
Bold Cavalier, The—Republic (See "Bold Caballero"	"Reunion")
Border Cafe—RKO (67 min.)	Her Husband's Secretary—First National (61 min.)4
Borderland—Paramount (82 min.)Not Reviewed	Hills of Old Wyoming—Param. (78 m.) Not Reviewed
Border Phantom—Republic (60 min.) Not Reviewed	His Affair—20th Century-Fox (See "This Is My
Breezing HomeUniversal (63½ min.)26 Broken Blossoms-Imperial (84 min.)	Affair") 9 History is Made at Night—United Artists (96½ min.) 4
Bulldog Drummond Escapes—Paramount (66 min.) 19	Hit Parade, The—Republic (85 min.)
Cafe Metropole—20th Century-Fox (83 min.)74	Hit the Saddle—Republic (60 min.) Not Reviewer
California Straight Ahead—Universal (67 min.) 78	Hittin' The Trail—Grand Nat'l. (58 m.)Not Reviewe Hollywood Cowboy—RKO (64 min.)
Call It a Day—Warner Bros. (89 min.)	Holy Terror, The—20th Century-Fox (67 min.) 1
Captains Courageous—MGM (116 min.)71	Honeymoon Pilot-Columbia (See "Criminals of the
Case of the Stuttering Bishop, The—1st Nat'l. (69 m.) 94	Air")
Cave In, The—First Nat'l. (See "Draegerman Courage")	I Met Him in Paris—Paramount (86 min.)
Champagne Waltz—Paramount (91 min.)	Internes Can't Take Money—Paramount (80 min.)6
Charlie Chan at the Olympics—20th Century-Fox	I Promise to Pay—Columbia (67 min.)
(70 min.)	It Happened Out West—20th CentFox (55½ m.) 8
China Passage—RKO (64 min.)	Jim Hanvey, Detective—Republic (68 min.)
Circus Girl—Republic (62 min.)	Join the Marines—Republic (68½ min.)
Clarence—Paramount (76 min.)	Juggernaut—Grand National (64 min.)
Come On Cowboys—Republic (58 min.)Not Reviewed	Kid Galahad—Warner Bros. (101 min.)
Come Up Smiling—First National (See "Sing Me	Kidnapped in Shanghai—Republic (See "Happy Go Lucky")
a Love Song")	Killers of the Sea—Grand Nat'l. (48 min.)
Crack-Up—20th Century-Fox (69½ min.)	King and the Chorus Girl, The-Warner Bros. (97 m.) .4
Crime Nobody Saw, The—Paramount (62 min.)54	King of Gamblers—Paramount (77 min.)
Criminal Lawyer—RKO (71 min.)	Hockey")
Dangerous Number—MGM (70½ min.)	Larceny on the Air—Republic (61 min.)
Devil Is Driving, The—Columbia (68 min.)	Last of Mrs. Cheyney, The—MGM (98 min.)
Devil's Playground—Columbia (72½ min.)31	Last Train From Madrid—Paramount (77 min.)10 Law of the Ranger—Columbia (57 min.) Not Reviewe
Doctor's Diary, A—Paramount (74 min.)	League of Frightened Men—Columbia (65 min.)
Don't Tell the Wife—RKO (62½ min.)38	Left Handed Law—Universal (63 m.)Not Reviewe
Doomed at Sundown—Republic (55 min.) Not Reviewed	Let Them Live—Universal (73 min.)
Draegerman Courage—First National (58 min.) 83 Dreaming Lips—United Artists (71 min.) 91	Let's Make a Million—Paramount (59 min.)
Elephant Boy—United Artists (81 min.)	Lightnin' Crandall—Republic (62 min.) Not Reviewe
Espionage—MGM (66 min.)	Lloyds of London—20th Century-Fox (117 min.) Lost Horizon—Columbia (130 minutes)
Fair Warning—20th Century-Fox (68 min.)31	Love from a Stranger—United Artists (86 min.)
Family Affair, A—MGM (68 min.)70	Love Is News—20th Century-Fox (78 min.)
Fifty Roads to Town—20th Century-Fox (81 min.)62 Find the Witness—Columbia (55 min.)	Maid of Salem—Paramount (85 min.)
Fire over England—United Artists (84 min.)38	Make Way for Tomorrow—Paramount (88 min.) 8 Mama Steps Out—MGM (65 min.)
Fly Away Baby—Warner Bros. (60 min.)	Man Betrayed, A—Republic (57 min.)
For You Alone—Columbia (See "When You're in	Mandarin Mystery, The—Republic (63 m.). Not Reviewe
Love")	Man in Blue, The—Universal (67 min.)
Love")	Man in the Mirror, The—Grand Nat'l. (71 min.)
Framcup, The—Columbia (59 min.)	Man of the People—MGM (81 min.)
Fugitive in the Sky—Warner Bros. (58 min.)	Man Who Could Work Miracles, The—United
Gampling Terror—Republic (30 mil.)Not Reviewed Gangster's Bride, The—20th Century-Fox (Sce	Artists (80½ min.)
"Secret Valley")18	Marked Woman—First National (95½ min.)
Girl from Scotland Yard, The—Paramount (60 m.)71	Maytime—MGM (132 min.)
Girl in a Million, The—20th Century-Fox (See "One in a Million")	Mcct the Missus—RKO (60 min.)
Girl Loves Boy—Grand National (78 min.)66	Men Are Not Gods—United Artists (81 min.) 2
Girl Overboard—Universal (58 min.)	Men in Exile—First National (57½ min.)

No. 27

Michael Strogoff—RKO (84 min.)39	Too Many Wives-RKO (60 min.)59
Midnight Court—Warner Bros. (63 min.)	Top of the Town—Universal (86 min.)
Midnight Taxi—20th Century-Fox (73 min.)59	Trail of Vengeance—Republic (60 m.) Not Reviewed
Mighty Treve, The—Universal (69 min.). Not Reviewed	Trapped—Columbia (55 min.)
Millionaire Playboy, The—RKO (See "Park Avenue	Trouble in Morocco—Columbia (61 min.)
Logger")	Trouble in Texas—Grand National (63m.) Not Reviewed
Motor Madness—Columbia (61 min.)	Trusted Outlaw, The—Republic (56 min.) Not Reviewed Turn Off the Moon—Paramount (79½ min.)
Mountain Justice—First National (81½ min.)70	23½ Hours Leave—Grand National (71½ min.)54
Murder Goes to College—Paramount (70 min.)43	Two Fisted Sheriff—Columbia (59 m.)Not Reviewed
Mysterious Crossing—Universal (55½ min.) 11	Two Gun Law—Columbia (56 m.) Not Reviewed
Nancy Steele is Missing—20th Century-Fox (84 min.).47	Two Wise Maids—Republic (68½ min.)30
Navy Blues—Republic (68 min.)	Under Cover of Night—MGM (71 min.)
Navy Spy—Grand National (56 min.)	Under the Red Robe—20th Century-Fox (81 min.) 91
Night Must Fall—MGM (116 min.)	Venus Makes Trouble—Columbia (58 min.) 87
Night of Mystery—Paramount (66 min.)	Waikiki Wedding—Paramount (88 min.)54
Nobody's Baby—MGM (67 min.)	Wake Up and Live—20th Century-Fox (91 min.)66
North of the Rio Grande—Par. (70 m.)Not Reviewed	Way Out West—MGM (64 min.)
Off to the Races—20th Century-Fox (56 min.) 23	We Have Our Moments—Universal (64 min.)58
Oh, Doctor—Universal (67 min.)	We're on the Jury—RKO (70 min.)
Old Corral—Republic (58 min.)	Westbound Mail—Columbia (54 min.) Not Reviewed
One in a Million—20th Century-Fox (93½ min.) 7	What Price Vengeance—Rialto Prod. (56 min.) 95
On the Avenue—20th Century-Fox (87 min.)27	When Love Is Young—Universal (76 min.)55
Outcast—Paramount (75 min.)34	When Thief Meets Thief—United Artists (84 min.)102 When You're in Love—Columbia (108 min.)35
Outcasts of Poker Flat—RKO (67 min.)71	When's Your Birthday?—RKO (77 min.)38
Paradise Express—Republic (59 min.)38	Whispering Smith Speaks—RKO (See "Park Avenue"
Park Avenue Logger—RKO (65 min.)26	Logger")
Parnell—MGM (117 min.)	White Bondage—Warner Bros. (59½ min.) 98
Parole Racket—Columbia (60 min.)	Wildcatter, The—Universal (57½ min.)
Personal Property—MGM (83 min.)	Wings Over Honolulu—Universal (77 min.) 86
Pick a Star—MGM (68½ min.) 90	Woman Alone, A—Gaumont-British (74½ min.) 19
Plough and the Stars, The—RKO (66 min.) 10	Woman Between, The—RKO (See "The Woman
Pluck of the Irish—Grand National (See	I Love")
"Great Guy")	Woman Chases Man—United Artists (71 min.) 90 Woman I Love, The—RKO (88 min.)
Quality Street—RKO (83 min.)	Woman in Distress—Columbia (67 min.)
	Woman-Wise—20th Century Century-Fox (70 min.) 15
Racing Lady—RKO (58 min.)	Women of Glamour—Columbia (67½ min.)30
Racketeers in Exile—Columbia (57 min.)	Yodelin' Kid from Pine Ridge-Republic
Reckless Ranger—Columbia (56 min.) Not Reviewed	(60 min.)
Riders of Whistling Skull—Republic	You Can't Beat Love—RKO (61 min.)
(58 min.)	You Can't Take Money—Paramount (See "Internes
Rio Grande Ranger—Columbia (56 m.)Not Reviewed	
Domana and Diches Grand National (59 min ) 51	Can't Take Money")
Romance in Paris—Warner Bros. (See "King and	Can't Take Money")
Romance and Riches—Grand National (58 min.) 51 Romance in Paris—Warner Bros. (See "King and the Chorus Girl")	Can't Take Money") 63
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Grand National Features	Republic Foatures
Grand National Features  (1270 Sixth Ave., New York, N. Y.  112 Man in the Mirror—Horton-Tobin Apr. 24 Damaged Goods—DeCordoba-Barry Apr. 27 154 Juggernaut—Boris Karloff Apr. 30 135 Killers of the Sea—Capt. Casewell May 8 113 Two Who Dared—Wilcoxon-Sten (73 min.) May 8 115 Forever Yours—Gigli-Gardner May 15 145 Sing Cowboy Sing—Tex Ritter (59 min.) May 22 123 Sweetheart of the Navy—Linden-Parker (This picture is being released also on the 1937-38 program under number 203) June 18 139 (138) Bank Alarm (Marked Money)—Nagle—Hunt (reset) June 25 150 Riders of the Rockies—Tex Ritter July 2 199 Rendezvous in the Alps—Baxter-Bushell July 23 151 Mystery of the Hooded Horsemen—Ritter Aug. 6 131 King of the Sierras—Thunder Horse (This picture is being released also on the 1937-38 program under number 207) Aug. 20 (End of 1936-37 Season)	Republic Features  (1776 Broadway, New York, N. Y.)  6316 Gun Smoke Ranch—Three Mesq. (57 m.) . May 5 6336 Gun Laws of Stirrup Basin—Steele (56 m.) . May 10 6307 Rootin' Tootin' Rhythm—Autry (61 m.) May 12 6317 Come On Cowboys—Three Mesq. (58 m.) May 24 6027 Affairs of Cappy Ricks—Brennan-Brian
Beginning of 1937-38 Season  203 Sweetheart of the Navy—Linden-Parker (released also in the 1936-37 Season as No. 123). June 18  202 The Shadow Strikes—LaRocque-Anders July 9  204 Boots of Destiny—Ken Maynard July 16  205 Small Town Boy—Erwin-Compton July 30  206 Love Takes Flight—Cabot-Roberts Aug. 13  207 King of the Sierras—Thunder Horse (released also in the 1936-37 Season as No. 131) Aug. 20	727 Behind the Headlines—Tracy-Gibson May 14 728 There Goes My Girl—Raymond-Sothern May 21 783 Hollywood Cowboy—George O'Brien May 28 730 Border Cafe—Carey-Beal-Armida June 4 729 Meet the Missus—Broderick-Moore June 11 771 Riding on Air—Joe E. Brown June 18 731 You Can't Beat Love—Foster-Fontaine June 25  Twentieth Century-Fox Features
<del></del>	(444 W. 56th St., New York, N. Y.)
Metro-Goldwyn-Mayer Features (1540 Broadway, New York, N. Y.)  727 Night Must Fall—Montgomery-Russell Apr. 30 732 The Thirteenth Chair—Evans-Forbes (re) May 7 150 Trader Horn—Reissue May 7 731 They Gave Him a Gun—Tracy-Tone (re) May 14 735 Pick a Star—Kelly-Haley May 21 No release set for May 28 722 Parnell—Gable-Loy June 4 730 A Day at the Races—Marx Brothers (re) June 11 736 Married Before Breakfast—Rice-Young June 18 717 Captains Courageous—Bartholomew-Tracy June 18 718 Topper Scandlesticks—Powell-Rainer (re) July 20 737 Between Two Women—Tone-O'Sullivan—Bruce July 9 738 Topper—Young-C. Bennett-C. Grant July 16 740 The Umbrella Man—R. Johnson-Carroll July 30 741 The Good Earth—Muni-Rainer Aug. 6 537 Naughty Marietta—Reissue Aug. 6	745 It Happened Out West—Kelly-Allen May 7 750 Cafe Metropole—Young-Power-Menjou May 7 751 Great Hospital Mystery—Darwell-Davis May 14 769 David Harum—Will Rogers reissue May 14 743 Under the Red Robe—Veidt-Annabella May 21 752 Charlie Chan at the Olympics—Oland May 21 751 This Is My Affair—Taylor-Stanwyck May 28 754 Angel's Holiday—Withers-Kent-Davis June 4 757 She Had to Eat—Hudson-Haley-Treacher June 11 759 Big Business—Prouty-Byington June 18 756 Sing and Be Happy—Martin-Ray-Davis June 25 746 Slave Ship—Baxter-Beery-Allen (reset) July 2 758 Born Reckless—Donlevy-Hudson-Carey July 9 753 The Californian (Laughing Senor)—  Cortez-Weaver-DeMille (reset) July 16 747 The Lady Escapes (I Will Be Faithful)—  Whalen-Stuart (reset) July 23 760 Wee Willie Winkie—Temple-McLaglen July 30 761 Western Gold—Smith Ballew Aug. 13 (End of 1936-37 Season)
Monogram Features	United Artists Features (729 Seventh Ave., New York, N. Y.)
(1270 Sixth Ave., New York, N. Y.  Beginning of 1937-38 Season  3721 The Thirteenth Man—Heyburn-Courtney June 30 3718 The Hoosier Schoolboy—Rooney-Shields July 7 3710 Blazing Barriers—Frank Jr. Coghlan—Edw. Arnold, Jr July 14 3738 Riders of the Dawn—Jack Randall July 14 3701 Paradise Isle—W. Hull-Movita July 21 3706 Legion of Missing Men—Forbes-Alexander. July 28  Paramount Features	Men Are Not Gods—Hopkins-Shaw-Lawrence. Jan. 22 You Only Live Once—S. Sidney-H. Fonda. Jan. 29 Man Who Could Work Miracles—Roland Young. Feb. 19 Fire Over England—Flora Robson-L. Olivier. Mar. 5 History is Made at Night—Arthur-Boyer. Apr. 2 Elephant Boy—Native cast. Apr. 23 A Star is Born—Gaynor-March-Menjou. Apr. 30 Woman Chases Man—Hopkins-McCrea. May 7 Love from a Stranger—Harding-Rathbone. May 14 Dreaming Lips—Bergner-R. Massey. May 28 When Thief Meets Thief—Fairbanks, Jr. June 4
(1501 Broadway, New York, N. Y.) 3638 Girl from Scotland Yard—MorleyApr. 9 3639 Internes Can't Take Money—StanwyckApr. 16 3669 Hills of Old Wyoming—Boyd-Hayes (78m).Apr. 16 3640 King of the Gamblers—Nolan-Trevor Tamiroff	Walter Disney's Academy Award Review (44m). June 18 Dark Journey—Conrad Veidt-Vivian LeighJuly 2 ("Kid From Spain," a reissue, listed in the last Index as a June 11 release, has been withdrawn) (End of 1936-37 Season)
3641 Make Way for Tomorrow—Bondi-Moore. Apr. 30 No release set for	Universal Features  (1250 Sixth Ave., New York, N. Y.)  A1035 Let Them Live—Howard-Grey Apr. 25  A1024 Night Key—Karloff-Rogers-Hull May 2  A1031 California Straight Ahead—Wayne (67m) May 2  A1012 As Good As Married—Boles-Nolan May 9  A1013 Oh! Doctor—Horton-Demarest May 16  A1011 Wings Over Honolulu—Milland-Barrie. May 23  A1020 The Man in Blue—Wilcox-Grey (reset) May 30  A1046 Smoke Tree Range—Buck Jones (59 m.) June 6  A1015 The Wildcatter—Colton-Rogers (reset) June 6  A1004 Armored Car—Wilcox-Barrett (64 m.) June 20  A1009 Love in a Bungalow—K. Taylor-Grey (r) June 27  A1016 I Cover the War—Bartley-Gaze-Wayne July 4  A1008 Westbound Limited—Talbot-Rowles July 11  A1005 The Road Back—King-Summerville (re) July 18

Warner Bros. Features	Twentieth Century-Fox—One Reel	NEWSWEEKLY
(321 W. 44th St., New York, N. Y.) 117 Melody for Two—Melton-Ellis-Purcell May 1	7608 Songs of the Danube—Treas, Chest (9 m.) May 7 7520 Puddy's Coronation—Terry-Toon (6½m) May 14	NEW YORK RELEASE DATES
115 The Go-Getter—Brent-Louise-Winninger May 22 102 Kid Galahad—Robinson-Davis-Bogart May 29	7609 Crystal Ballet—Treas. Chest (11 min.)May 28 7521 Ozzie Ostrich Comes to Town—	Universal
114 Slim—O'Brien-Fonda-LindsayJune 12	T. Toon (6 min.)	576 Saturday July 3
129 Blazing Sixes—Dick Foran (55 min.)June 12 125 Fly-Away Baby—Farreil-MacLaneJune 19	7522 Play Ball—Terry-Toon (6½ min.)June 11	577 WednesdayJuly 1 578 SaturdayJuly 1
127 White Bondage—Muir-Oliver-King June 19 106 Another Dawn—K. Francis-E. Flynn June 26	7523 The Mechanical Cow—Terry-Toon (7 m.)June 25 Twentieth Century-Fox—Two Reels	579 WednesdayJuly 14 580 SaturdayJuly 17
101 The Singing Marine—D. Powell-HerbertJuly 3 126 Public Wedding—Wyman-PurcellJuly 10	7311 Holding the Bag—Sisters of Skillet (19½m). May 14 7312 Her Accidental Hero—Gribbon (17½m)May 21	581 Wednesday July 21
116 Marry the Girl—Boland-McHugh-HerbertJuly 31	7207 Love in Arms—Niela Goodelle (18½m)May 28 7208 Girls Ahoy—West-Patricola (17 min.)June 11	582 Saturday July 24 583 Wednesday July 28
SHORT SUBJECT RELEASE SCHEDULE	7313 Hamlet and Eggs—Tim and Irene (16½m)June 18	584 SaturdayJuly 31 585 WednesdayAug. 4
Columbia—One Reel 7704 Krazy's Race of Time—K. Kat ( (7 min.) May 6	7314 That's the Spirit—Rooney-TimbergJune 25 (End of 1936-37 Season)	586 Saturday Aug. 7 587 Wednesday Aug. 11
7510 Mother Hen's Holiday—Color Rhap. (7 m.). May 7 7808 Fit To Win—World of Sport (9½ min.) May 7	United Artists—One Reel	588 Saturday Aug. 14
7604 Community Sing No. 3—(10 min.)	12 Modern Inventions—Mickey MouseNet yet set (This ends the Disney releases through United Artists)	Fox Movietone
7859 Screen Snapshots No. 9—(9½ min.)May 22		84 Saturday July 3
7905 The Fifty Year Barter—Tours (9½ min.). May 28 7755 Scrappy's Music Lesson—Scrappys (7 m.)June 4	Universal—One Reel A1380 Going Places with Thomas No. 36—(10m). May 10	85 WednesdayJuly 7 86 SaturdayJuly 10
7809 Riding the Waves—World of Sport (9½m). June 4 7860 Screen Snapshots No. 10—(8½ min.)June 4	A1160 Cocktail Party—Mentone (10 min.) May 12 A1393 Stranger Than Fiction No. 36—(9½m) May 24	87 Wednesday July 14 88 Saturday July 17
Columbia—Two Reels 7408 The Grand Hooter—All Star (19 m.)May 7	A1281 Stevedores—Meany cartoon (6½ min.) May 24 A1381 Going Places with Thomas No. 37 (9½m). June 7	89 WednesdayJuly 21 90 SaturdayJuly 24
7355 My Little Feller—Clyde (17½ min.)May 10	A1272 The Wily Weasel—Oswald cart. (7 min.)June 7	91 WednesdayJuly 28
7307 Back to the Woods—Stooge com. (19½m). May 14 7409 From Bad to Worse—All Star (17 min.) May 15	A1161 Shoes with Rhythm—Mentone (10 min.)June 9 A1394 Stranger Than Fiction No. 37—(8 min.)June 21	92 Saturday July 31 93 Wednesday Aug. 4
7356 Lodge Night—Clyde comedy (18 min.) May 25 7410 The Wrong Miss Wright—All Star (17m) May 29	A1382 Going Places with Thomas No. 38July 5 A1282 Country Store—Meany cartJuly 5	94 Saturday Aug. 7 95 Wednesday Aug. 11
7308 Goofs and Saddles—Stooge (17½ min.)June 14	A1162 The Singing Bandit—Mentone (10 min.)July 7 A1273 The Playful Pup—Oswald cartJuly 12	96 SaturdayAug. 14
Metro-Goldwyn-Mayer—One Reel C-589 Rushin' Ballet—Our Gang (10 min.)Apr. 24	A1395 Stranger Than Fiction No. 38—(8½m)July 19 A1163 Apline Cabaret—Mentone (10 min.)Aug. 4	Paramount News
T-509 Hong-Kong, Hub of the Orient—	Universal—Two Reels	95 SaturdayJuly 3 96 WednesdayJuly 7
Traveltalks (8 min.)	A1789 The Masquerader—Secret No. 9 (18½m). June 7 A1790 The Forced Lie—Secret No. 10 (18 m). June 14	97 SaturdayJuly 10
S-562 Tennis Tactics—Pete Smith (10 min.) May 1 S-563 The Grand Bounce—Pete Smith (11 m.) May 22	A1791 The Enemy Camp—Secret No. 11 (19½m). June 21 A1792 Crime Does Not Pay—Sec. No. 11 (19m). June 28	98 WednesdayJuly 14 99 SaturdayJuly 17
T-510 Serene Siam—Traveltalks (9 min.) May 29 B-578 Song of Revolt—Musical (11 min.) May 29	(End of 1936-37 Season) Beginning of 1937-38 Season	100 Wednesday July 21 101 Saturday July 2
W-535 The Hound and the Rabbit—cart. (8 m.) May 29 C-590 Roamin' Holiday—Our Gang (11 min.) June 12	A2681 Death Rides the Range—Wild West Days	102 WednesdayJuly 28 103 SaturdayJuly 31
M-528 Have Courage—Miniatures (11 min.)June 12 S-564 Golf Mistakes—Pete Smith (10 min.)June 12	No. 1 (21 min.)	104 Wednesday Aug. 4 (End of 1936-37 Season)
T-511 Rocky Mountain Grandeur—Travel. (8m)June 26	A2683 The Brink of Doom—Wild No. 3 (21m)July 19 A2684 The Indians Are Coming—Wild 4 (21m)July 26	1937-38 Season
Metro-Goldwyn-Mayer—Two Reels L-421 Servant of the People—Special (21 m.)Apr. 9	Vitaphone—One Reel	1 Saturday Aug. 7
R-405 Carnival in Paris—Mus. comedy (21 min.) . May 29 P-413 It May Happen To You—Crime Doesn't	2408 Coiffeur-Bowling-Shoes—Pic, Rev. (11m)Apr. 10 2208 She Was an Acrobat's Daughter—M. Melody	2 Wednesday Aug. 11 3 Saturday Aug. 14
Pay (21 min.)June 5	(8 min.)	
Paramount—One Reel	2309 Cradle of Civilization—Color Adv. (10m)Apr. 17 2513 Clyde McCoy—Melody Masters (10 m.)Apr. 17	Metrotone News 282 SaturdayJuly 3
A6-13 Friml Favorites—Headliner (10 min.)June 4 P6-11 Paramount Pictorial No. 11—(9½ min.)June 4	2809 Porky's Duck Hunt—L. Tunes (9 min.)Apr. 17 2709 Home Run on the Keys—Novelties (9 min.)Apr. 24	283 WednesdayJuly 7 284 SaturdayJuly 10
R6-12 Pan American Champions—Sport. (9½m). June 11 E6-11 Morning Noon and Night Club—Popeye	2209 Ain't We Got Fun—Mer. Mel. (8 min.)May 1 2409 Sports-Hats-Beach Attire—Pic. Rev. (11m). May 1	285 WednesdayJuly 14 286 SaturdayJuly 17
(cartoon) (7½ min.)	2609 Nickel Lowdown—Big Time Vaud. (10m)May 1 2514 The Rimacs—Melody Masters (8 min.)May 8	287 WednesdayJuly 21 288 SaturdayJuly 24
V6-14 The Circus Comes to Town—Para. (9½m). June 25 C6-6 A Car-Tune Portrait—Color Clas. (7m) June 25	2810 Porky and Gabby—Looney Tunes (6 min.) May 15 2310 Alpine Grandeur (Switzerland)—Color-tour	289 WednesdayJuly 27
RKO—One Reel	Adventures (10 min.)	290 Saturday July 31 291 Wednesday . Aug. 4
74404 Desert Land—Struggle to Live (8 m.)Apr. 16	2710 Check Your Cash—Novelties (10 min.)May 22 2410 Dancing-Rabbits-Leather—Pic. Rev. (10m)May 22	292 Saturday Aug. 7 293 Wednesday Aug. 11
74310 Big League—Bill Corum (11 min.) May 7 74510 Circus Winter Quarters—World on	2210 Clean Pastures—Mer. Melodies (8 min.)May 22 2610 Vitaphone Funsters—Big Time Vaud. (11m) May 29	294 Saturday Aug. 14
Parade (11 min.)	2515 Jack Denny—Melody Masters (10 min.)May 29 2211 Uncle Tom's Bungalow—Mer. Mel. (8 m.)June 5	Pathe News
74311 Beach Sport—Bill Corum (10 min.)June 4 74511 Florida Cowboy—World on Parade (10m).June 11*	2311 Gateway to Africa—Mer. Mel. (10 min.)June 12 2212 Streamlined Greta Green—Mer. Mel. 8m)June 19	75199 Sat. (O.) July 3 752100 Wed. (E.) July 7
<b>RKO—Two Reels</b> 73108 March of Time—(20 min.)	2411 Dogs-Milk-Oriental Rugs—Pic. Rev. (10m). June 19 2516 Eliseo Grenet & Orch.—Mel. Mast. (10m). June 19	751101 Sat. (O.) July 10
74801 A Day with the Dionne Quintuplets—	2711 Double Talk—Novelties (10 min.)June 26 2611 Vaude-Festival—Big Time Vaud. (10m)June 26	752102 Wed. (E.) July 14 751103 Sat. (O.) July 17
Pathe News Special (20 min.)	Vitaphone—Two Reels	752104 Wed. (E.) July 21 (End of 1936-37 Season)
73404 Locks and Bonds—Kennedy (19 min.)Apr. 16 73109 March of Time—(21 min.)Apr. 16	2028 Taking the Count—Palooka com. (21 min.)Apr. 24 2029 Movie Mania—Dave Apollon (21 min.)May 8	1937-38 Season
73303 Inlawful—Smart Set (17 min.)	2031 A Musical Operation—Broad. Brev. (20m)r.May 15 2005 A Day at Sante Anita (The Littlest	85101 Sat. (O.) July 2 85202 Wed. (E.) . July 28
73110 March of Time—(19 min.)	Diplomat)—Bway. Brev. (18 min.)May 22 2030 Sound Defects—Bway. Brev. (22m) (r)June 5	85103 Sat. (O.) July 31 85204 Wed. (E.) Aug. 4
73405 Dumb's the Word—E. Kennedy (18 m.)June 11 73111 March of Time—(18 min.)June 11	2032 Thirst Aid—Palooka (20 min.) June 12 2033 The Rhythm Roundup—Bway. Brev. (22m) June 19	85105 Sat. (O.) .Aug. 7 85206 Wed. (E.) Aug. 11
73604 Swing Fever—Headliner (19 min.)June 25	2006 Zululand—Broadway BrevitiesJune 26	85107 Sat. (O.) . Aug. 14

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No. 28

### WASHINGTON MEETING DECLARES "SIT-DOWN" STRIKE ON PARAMOUNT

The non-partisan meeting of organizations, called by Pete Wood for the 24th of June, to be held at the Washington Hotel, Washington, D. C., and immediately afterward postponed to the 29th, at the Carlton Hotel, was held as per schedule. The following organization representatives were present:

Western Pennsylvania: M. A. Rosenberg and Fred Herrington.

Eastern Pennsylvania: Charles Segall, Lewen Pizor, and George Aarons.

Washington, D. C.: Charles Olive, and Abram F. Myers. Connecticut: Ed. Levy. Indiana: R. R. Bair.

Ohio (Cleveland) : George Erdmann. Michigan : H. M. Richey.

Minnesota: David Gillman.

Maryland: Herman Blum. Virginia: Benjamin Pitts and Charles Roth.

New Jersey: Lee Newberry.

There were present also several members of the House of Representatives.

Allied Theatre Owners of New England, Independent Theatre Owners of Southern California, and Independent Theatre Owners of Iowa telegraphed their regrets at their inability to send representatives, but pledged their wholehearted cooperation. Regrets were telegraphed also by Ed. Kuykendall, who had to fill a previous engagement, at Birmingham, Alabama.

The meeting was opened by Mr. Wood, who presided, and in short speed he explained its purpose.

After giving the name of the choice 1936-37 season's pictures Paramount has withheld and placed on the 1937-38 season's group, he said:

"There is only one way Paramount can be punished—through its pocketbook. Notwithstanding that Paramount, like other major distributing companies, sells millions of dollars worth of film to the affiliated circuits, their final net profit comes from the millions of dollars which flow to them from the thousands of small independent exhibitors. Therefore, if the owners of four thousand theatres, who bought 1936-37 Paramount program, should decide not to buy the 1937-38 program unless Paramount saw fit to deliver the above six pictures, it would cause Paramount a loss in revenue of between eight and ten million dollars. Thus a 'sit-down strike' by four thousand theatres with respect to the 1937-38 Paramount program would deprive that company of its anticipated profits for the current year. .

"Eight million dollars represents the 'handful of men' which can make or break Paramount during the current year insofar as its profits are concerned. . .

"Further, and very important, seventeen thousand com-mon stockholders of the Paramount Corporation would be exceedingly interested to learn that their chances of being paid a dividend are being jeopardized through the unethical and 'immoral' [unmoral?] sales policy of their company and, if this meeting does nothing else, I sincerely trust that it will authorize some one to place the entire story before them through the medium of a letter or newspaper ad. . . .

The meeting decided the following:

1. All independent exhibitors to be asked to refuse to play any Paramount pictures during the month of August and for such longer period of time as the conference may agree upon.

- 2. All independent exhibitors to be urged to refrain from entering into any contract with Paramount at this time and while the strike lasts, and which is to last until Paramount has modified its unreasonable selling terms.
- 3. All contract holders to demand of Paramount the delivery of "Souls at Sea," "High, Wide and Handsome," "Angel," "Artists and Models," "Spawn of the North," and "The Count of Luxembourg," on the ground that they are morally entitled to these pictures.

To carry this message to every exhibitor, it was decided that meetings be called by all exhibitor organizations, regardless of affiliation, to adopt the program outlined by the Washington conference.

It was decided also to look into the legal aspects of the case with a view to bringing an action against Paramount to determine judicially whether the contract holders have or have not any rights to these pictures when they were used as sales inducements.

Mr. Wood was made permanent chairman as the clearing agency of this movement, and all exhibitors will be requested to submit to him whatever data they possess to help him carry out the mandate of the meeting. It was decided also to call this buyers' strike a "Sit-Down Strike."

There seems to be a misunderstanding as to the number of pictures Paramount has withheld from the 1936-37 season's contract holders and this paper takes this opportunity to make the matter clear.

As stated elsewhere in this issue, Paramount sold 65 pictures in the 1936-37 season and, according to the best information available, it will deliver only 53, or 12 pictures short from the maximum number promised. The last Paramount schedule this office has been able to obtain gives "Exclusive" as the 53rd picture, and since this paper was not told that "Exclusive" ends the season, it is not sure whether there will be any more released or not. Perhaps this agitation will cause Paramount to release more pictures. It remains to be seen whether it will or not.

Let us now see what pictures have been withheld:

"The Barrier," to be founded on the Rex Beach novel; it was promised as a November, 1936, release. Paramount has definitely announced its inclusion in the 1937-38 season's

"Spawn of the North," with Carole Lombard, Cary Grant, and Randolph Scott, to be directed by Henry Hathaway, who made so good a job in "Bengal Lancer." It was promised in January. It is now sold in the 1937-38 group.

"Artists and Models," "a big musical studded by spectacular acts never seen on the screen before. Song hits, and lavish dance numbers galore." It was promised in January but it is now in the 1937-38 season's group.

The following pictures were announced in the "Third and Fourth Quarters 1936-37":

"Angel": This picture was not sold by title, but although 2 Marlene Dietrich pictures were promised none has so far been delivered, and since "Angel" is the first one to be produced, it belongs to the 1936-37 season's contract holders.

One other picture with Marlene Dietrich,

Claudette Colbert, 1: Two were promised, but only one has been delivered.

"Slave Ship," with Gary Cooper, "Paramount's Big All-Technicolor Picture of the year." This picture is now to be released as "Souls at Sea."

"Count Of Luxembourg," with Irene Dinne, John Boles, and W. C. Fields. The 1937-38 season's announcement contains this picture, though no cast is mentioned.

### "Dangerous Holiday" with Ra Hould, Hedda Hopper and Jack LaRue

(Republic, June 7; time, 57 min.)

This picture has been given a good production, but it lacks a convincing story. It is only mild program enter-tainment, suitable mostly for family audiences. The action is slow up until the closing scenes, where there is some excitement, caused by the efforts of gangsters to kidnap the young hero. There are many inconsistencies in the plot, which, if they become noticeable to the audience, will cause them to laugh at the wrong places. The love interest has no bearing on the plot:-

Ra Hould, a noted child violinist, is kept away from sports that boys like and is even forbidden companionship with other children; most of his time is spent in practicing and playing at concerts and over the radio. One day he wanders away from home, goes swimming with a group of boys, and finally changes his fancy clothes for those he had taken off a scarecrow. Hedda Hopper, his step-mother, terrified at the boy's disappearance, is certain that he had been kidnapped, and so she informs the police. Ra gets a hitch with William Bakewell and becomes friendly with him. His next hitch is with Guinn Williams, a gangster, whom he mistakes for a G-man. Through Williams, Ra becomes involved with a gang of dangerous criminals, who, upon finding out who he is, plan to hold him for ransom. Williams had, however, taken a liking to the boy and saves him from the gangsters. He is killed by the leader for this. Ra is finally reunited with his step-mother, who promises to let him lead a free life and to play with other children as much as he liked.

Karen DeWolf and Barry Shipman wrote the story, and Nicholas Barrows, the screen play; Nicholas Barrows directed it, and William Berke produced it. In the cast are Franklin Pangborn, Lynn Roberts, and others.

Suitable for all. Class A.

### "Mountain Music" with Martha Raye and Bob Burns

(Paramount, June 18; time, 77 min.)

Paramount certainly selected poor story material for Martha Raye's and Bob Burns' first starring vehicle. Those who like these two comedians may be disappointed, for the silly story gives them little opportunity to make the most of their talents. Despite a few comical situations here and there, the picture is boresome, for the action is slow. Miss Raye sings a few songs, but even these seem to lack the pep she usually puts into them. The one standout is Rufe Davis, who gives excellent imitations of sirens and musical instruments:-

When Burns' hill-billy family try to marry him to the daughter (Terry Walker) of their feuding neighbor, he rebels and runs away, knowing that his brother (John Howard) loved Miss Walker. Burns suffers from a peculiar affliction; whenever he bumps his head he loses his memory and is revived only when water is poured in his face. On one of the occasions when he was suffering from loss of memory, he meets Miss Raye, a country maiden, and, thinking her the most beautiful girl in the world, proposes marriage; she gratefully accepts. However, it develops that the authorities, thinking Howard had murdered Burns, were prosecuting him. Miss Raye brings Burns back to normalcy by pouring water in his face; he is thus able to rush to the court and save his brother's life. But, upon being revived, Burns does not know Miss Raye. So she is compelled to keep hitting him over the head in order to keep him in love with her.

McKinlay Kantor wrote the story, and John C. Moffitt, Duke Atteberry, Russel Crouse, and Charles Lederer, the screen play; Robert Florey directed and Benjamin Glazer produced it.

Suitable for all. Class A.

#### "Ever Since Eve" with Marion Davies and Robert Montgomery (First National, July 17; time, 79 min.)

Just a mildly diverting program entertainment. Owing to the familiarity of the trite plot, one knows just what will happen before the picture is half over. There is nothing that the players can do to overcome the plot defects, for they are placed in ridiculous situations and are made to speak lines that are silly for the most part. A few spurts of laughter are provoked here and there by the antics of Patsy Kelly and Allen Jenkins:

Marion Davies finds it difficult to keep a position because her beauty caused her employers to make advances towards her. She finally decides to don a brunette wig and glasses and wear ugly, ill-fitting clothes so as to get and keep a position. In this guise, she is engaged by Louise Fazenda, a publisher, to act as secretary to Robert Montgomery, a playboy author, who had to get his material in at a certain time. Miss Davies finds it difficult to pin Montgomery down to work, first, because he was distracted by his love affair with Marcia Ralston, and, secondly, because he felt that Miss Davies was too ugly to work with. She resigns; he then realizes how capable she was. He goes to her home to ask her to take the position back and, finding her out of her guise, he thinks she is his secretary's roommate. He falls in love with her. After an exciting encounter with his former fiancee, Montgomery learns to his surprise that his ugly sccretary and her beautiful roommatc are one and the same person. His work finished, he marries Miss

Davies, and sets off for a gay honeymoon.

Margaret Lee and Gene Baker wrote the story, and Lawrence Riley, Earl Baldwin, and Lillie Hayward, the screen play; Lloyd Bacon directed it, and Earl Baldwin produced it. In the cast are Frank McHugh, and others.

Morally suitable for all. Suitability, Class A.

### "The Great Gambini" with Akim Tamiroff, John Trent and Marian Marsh

(Paramount, June 25; running time, 69 min.) A pretty good murder mystery melodrama, with a fair sprinkling of comedy. Although one suspects Akim Tamiroff is the murderer, one is held in suspense because of the clever methods he uses to befuddle the inspector. Comedy is provoked by Genevieve Tobin, a silly society woman; she keeps on interfering and offering her version of how the murder had been committed. As in most pictures of this type, the story lacks human appeal:

John Trent, in love with Marian Marsh, is heartbroken because she was going to marry another man who, Trent knew, was after her money. At a fashionable night club which featured Tamiroff, a noted magician and mind reader, Miss Marsh asks Tamiroff whether her marriage would be a happy one. Through his medium he answers that she would not marry the man to whom she was engaged; and sure enough her fiance is murdered that very night. Suspicion points at Miss Marsh, her father (Regi-nald Denny), who had opposed the match, and at John Trent, because of his known jealousy. Tamiroff enters the case in an effort to help the inspector and through a series of discoveries on his part shows that the murder had been committed by a blackmailer. But the inspector discovers that the blackmailer had been none other than the murdered man himself, who had made his living in that way. Just by one slip-up, the inspector realizes that Tamiroff is his man. Tamiroff confesses to the murder; his victim had run away with his wife, whom he had adored, and had then abandoned her, leaving her to die. Miss Marsh, happy that she had been saved from a villain, gratefully accepts Trent's marriage proposal.

Frederick Jackson wrote the story, and Mr. Jackson, Frank Partos, and Howard Irving Young, the screen play: Charles Vidor directed it, and B. P. Schulberg produced it. In the cast are William Dmarest and Edward Brophy.

Unsuitable for children and adolescents. Adult fare.

### "The Lady Escapes" with Gloria Stuart and Michael Whalen

(20th Century-Fox, July 23; time, 63 min.)

A tiresome comedy. It consists almost entirely of bickering between husband and wife, who indulge in throwing things at each other and even in resorting to fist fights. The story is pointless; no one does anything to awaken sympathy, and one loses interest in the outcome by the time the picture is half way through. The players are attractive and competent; but they are helpless to put life into their respective parts because of the poor material:—

After one year of married life during which they constantly quarrel, Gloria Stuart and Michael Whalen decide to part. She sails for Europe, accidentally meeting George Sanders, a conceited French actor, who was running away from his girl friend (June Brewster). Whalen follows his wife to Europe and pleads with her to give up her idea of divorcing him to marry Sanders; but she is adamant. She introduces Whalen as her lawyer; Sanders becomes annoyed when Whalen insists on accompanying them wherever they go. Miss Brewster arrives to complicate matters further. In order to save his wife from embarrassment, Whalen admits their relationship and then states that he and his wife were spending a vacation with Sanders at his request. Miss Brewster gets her man back; and Whalen

agrees to take Miss Stuart back after she promises not to

quarrel any more.

Eugene Heltai wrote the story, and Don Ettlinger, the screen play; Eugene Forde directed it, and Leslie L. Landau produced it. In the cast are Cora Witherspoon, Gerald Oliver-Smith, and others.

Children and adolescents may be bored. Adult fare.

Class B.

### "A Fight to the Finish" with Don Terry and Rosalind Keith

(Columbia, June 30; time, 58 min.)

Just an ordinary program picture. It will hold little interest for women, for it is made up mostly of rough fights. Because of the way the hero is presented in the beginning, where he is shown using strong-arm tactics to combat his business rivals, one is completely out of sympathy with him. For that reason when he is later shown fighting against a company which was trying to do the same thing to him, one feels that he was getting just what he deserved. The story is somewhat unpleasant, for it

deals with murder and enmity:

Don Terry, general manager of a taxicab company, was known for his ruthlessness in dealing with his business rivals. In a fight with a man who had resented his actions towards a driver of a rival company, Terry knocks him down; the man's head strikes against a car bumper, causing his death. Ward Bond, Terry's assistant, had been an eyewitness to the fight and had seen the man attempt to strike Terry with an iron bar; but at the trial he testifies against Terry, his purpose being to get rid of him and thus get his position. Terry is imprisoned; but after two years he is paroled and warned not to get into any more fights. His old friends, who had been forced out of their jobs by Bond, greet him upon his release. They decide to form an independent company, with Terry at the head. Terry has a hard fight for Bond was using gangsters to put the independents off the streets. Terry meets Miss Keith, a nurse, when one of his men is hurt. She warns him against the warfare. When his best friend (George McKay) is killed, Terry goes after Bond. He forces him to confess not only to the murder but to his false testimony at his trial. Terry is reinstated in his former job; and since his name had been cleared he is free to ask Miss Keith to marry him.

Harold Shumate wrote the story and screen play; C. C. Coleman directed it. In the cast are Wade Boteler, Lucille

Lund, and others

Too rough for children. Harmless for adults. Class B Note: There are obvious ads for Alka-Seltzer and RCA Manufacturing Co.

### "The Singing Marine" with Dick Powell, Doris Weston and Hugh Herbert (Warner Bros., July 3; time, 104 min.)

Despite a familiar plot, this should go over with the masses for it has music, comedy, and romance. Dick Powell sings several songs to please his fans, and Hugh Herbert handles the comedy angle in his customary style, provoking many hearty laughs by his excitable manner. The action is, however, somewhat slow; too much footage is wasted on dialogue. No Warner musical would be complete without one enormous set and this is no exception; in one number,

presumably being performed on a stage, Powell is seen wandering over what looks like an acre of ground. The

romance is pleasant:

Powell, a United States Marine, is financed by his marine pals to go to New York and sing on an amateur hour. Being extremely shy, he is happy to find that Doris Weston, whom he had met through the efforts of his pals, was going to New York and would compete on the same program. Miss Weston fails miserably, but Powell is acclaimed by the crowd. Hugh Herbert and his conniving partner, theatrical agents, sign Powell to appear under their management. Before ling, Powell is swamped with engagements and the money rolls in. Miss Weston, who had been engaged as his secretary, is disappointed to find that success had gone to his head. Powell, who had not yet been released from the Marine service, is compelled to go to Shanghai with his buddies. He is unhappy because none of his friends would have anything to do with him. In Shanghai he resumes his theatrical activities, and opens a night club, for which he uses all the available cash he had. When his buddies ask him to contribute something to help Jane Darwell, who had always befriended the Marines, he is compelled to refuse: his buddies are disgusted with him. After the opening night of his cafe he proves, however, that they were wrong about him. He turns over the cafe to Jane Darwell, and gives up his theatrical activities. He is reconciled with Miss Weston, and with his buddies.

Delmar Daves wrote the original screen play; Ray Enright directed it, and Lou Edelman produced it. In the cast are Lee Dixon, Allen Jenkins, and others.
Suitable for all. Class A.

### "Love in a Bungalow" with Nan Grey and Kent Taylor

(Universal, June 27; time, 66 min.)

A moderately entertaining romantic comedy, of program grade. The action is concentrated almost entirely in one house; and so the story is developed by dialogue, which at times becomes tiresome, particularly in the first half when the hero and the heroine are constantly bickering. There's not much sense to the story, but it should appeal to young folk, who will be amused by the antics of the

hero and the heroine:-

While working in a model house used for display by Jack Smart, owner of several houses, Nan Grey becomes acquainted with Kent Taylor, a salesman. He pesters her with frequent visits and, although she asks him to keep away, he refuses. They soon fall in love with each other. When they hear an announcement over the radio of a \$5,000 prize to be awarded to the most perfect married couple, they write a letter to the contest editor, pretending to be married, and setting forth the reasons why they were the happiest. To their surprise they win the prize, which was to be given to them that night at their home. Frantic lest the hoax be discovered, Kent rushes out to find two children, which, as he claimed in his letter, they had. Everything goes smoothly until the irate parents arrive in search of their children. Then the sponsor of the prize realizes he had been fooled. Feeling, however, that he would be laughed at if people found out what had happened, he decides to let matters rest and permits the young couple to keep the \$5,000, on condition that they marry immediately. They gladly comply with his request and use

the \$5,000 as a down payment on the model house.

Eleanore Griffin and William Rankin wrote the story, and Karen DeWolf and Austin Parker, the screen play; Ray McCary directed it, and E. M. Asher produced it. In the cast are Louise Beavers, Florence Lake, and others.

Suitable for all. Class A.

### "Midnight Madonna" with Warren William, Mady Correll and Kitty Clancy

(Paramount, July 2; time, 64 min.)
This story of mother love will, despite a far-fetched plot and plenty of "hokum," appeal to women. They will be moved to tears in several situations, particularly in the one that shows the mother being separated from her child. But the real attraction is the acting by little four year old Kitty Clancy, who reminds one of Shirley Temple. The child is natural, intelligent, and charming, and speaks her lines with assurance. Mady Correll, another new-comer, makes her initial appearance here; but it is difficult to judge her by this picture, for she is given little chance to The methods employed by Warren William in the closing scenes to convince a judge of an unjust decision are extremely far-fetched and at the same time not exactly within the law; but audiences may overlook this because it is through these acts that he finally obtains justice for

In the development of the plot, William, a gambler, who had befriended Miss Correll and her child (Kitty), feels that they had brought him luck and so shares his winnings with them. When Miss Correll learns that her father-inlaw had left his fortune of millions to Kitty, she decides to refuse it; but William persuades her not to do so. Her former husband, from whom she was separated and who had been cut off in his father's will, is determined to get the money for himself. He brings proceedings for the custody of Kitty, and by using perjured witnesses convinces the Judge that Miss Correll was unfit to care for Kitty; the Judge awards him custody of the child. Williams sets out to prove to the Judge (Edward Ellis) how wrong he was; he kidnaps him and takes him to the underworld where he exposes each one of the witnesses and proves that they had been paid to lie. The Judge reverses his decision, turning Kitty back to her mother, who, by this time, was in love with William as he was with her. The conniving former husband and his lawyer are arrested.

David Boehm wrote the story, and Doris Malloy and Gladys Lchman, the screen play; James Flood directed it, and Emanuel Cohen produced it. In the east are Robert Baldwin, Jonathan Hale, and others.

Hardly suitable for children. Good for adults. Class B.

Gary Cooper, 1: Since Mr. Cooper has left Paramount and "What Ho" is the last picture he will make for this company, "What Ho" is definitely a 1936-37 picture. But Paramount is now selling it in the 1937-38 season.

"High, Wide and Handsome," with Irene Dunne. It is finished, and sold now to 1937-38 accounts.

Harold Lloyd, 1 picture. One was promised but it was not delivered.

There are other pictures, with good stars, but they are not identifiable; the 11 pictures just described can be identified as being pictures of the 1936-37 season.

### 1936-37 SEASON'S DELIVERIES Columbia

For the 1936-37 season, Columbia sold 40 maximum or 30 minimum regular features (Group W-4); a maximum of 16 or a minimum of 8 westerns (Group W-5), and 2 Frank Capra pictures, one of them being "Lost Horizon."

Neither of the Capras will be delivered.

Of the westerns, so far 13 have been delivered. But the Home Office is counting one of them, "Dodge City Trail," as a regular feature, even though it is a western. This naturally makes the number of westerns delivered up to "One Man Justice," released the first of July, 12.

Of the regular features, Columbia will have delivered, up to "It Can't Last Forever," set for release the fifteenth of July, 35, leaving 5 more to deliver, if it intends to deliver the maximum number, provided you are willing to count "Dodge City Trail" as a regular feature.

The information that "Dodge City Trail" is a regular feature I obtained from the Home Office; but since all the high-ranking executives are away on the Coast, attending their sales meeting, I shall check up this information upon their return, for verification.

In the 1935-36 season, Columbia sold on the regular contract 40 maximum or 32 minimum. In this group were included 2 to be directed and 2 to be supervised by Frank Capra. Only one Capra-directed picture was delivered, "Mr. Deeds Goes to Town," and neither of the Caprasupervised; and 36 others, making 37 in all.

Of the 12 maximum or 8 minimum westerns Columbia sold, it delivered 12, the maximum number.

### First National

First National sold 27 regular features and 3 westerns. Up to "Talent Scout," set for release July 24, it will have delivered 22 regular features and 2 westerns, leaving 5 of the former and 1 of the latter to deliver.

In the 1935-36 season, this company announced the same number of pictures, of both groups, but it delivered only 25 regular features, instead of 27, and all the 3 westerns.

### Metro-Goldwyn-Mayer

This company sold in the 1936-37 season a maximum of 52 or a minimum of 44 pictures with the exception of "The Great Ziegfeld," which was sold on a separate contract.

Up to "The Good Earth," set for release August 6, it will have delivered on the regular program 40 pictures, leaving 4 from the minimum or 12 from the maximum number to deliver.

In the 1935-36 season, it sold 50 and delivered 45 pictures.

#### **Paramount**

This company sold a maximum of 65 pictures in addition to 6 Hopalong Cassidy westerns. Up to "Exclusive," set for release July 30, it will have delivered (including the 2 Zane Greys, "Arizona Mahoney" and "Forlorn River,") 53 pictures, and all the 6 Cassidy's leaving 12 to deliver.

In the 1935-36 season, it promised 65 maximum with no minimum number; it delivered all the westerns, and 64 regular features, including the Zane Grey pictures.

#### RKO

In printing a study of the RKO contract for the 1936-37 season in the issue of August 29, I said the following:

"The RKO contract does not limit the number of pictures that may be delivered to the contract holder, and the contract holder must accept whatever the number is; but he may demand the delivery only of such pictures as RKO shall number from 701 to 746."

Up to "You Can't Beat Love," released June 25, it has delivered 34, leaving 12 to deliver even if we were to assume that it will not deliver any more than 46 pictures, numbered from 701 to 746.

Last season this company delivered 45 pictures, including the Harry Carey's.

#### Twentieth Century-Fox

This company sold a maximum number of 55 regular pictures, 6 westerns, "As You Like it," and 4 Will Rogers reissues. It has delivered all except one regular feature.

Among the 54 regular features it has delivered, there are two British-made: "Wings of the Morning," and "Under the Red Robe."

In the 1935-36 season, the Fox company was amalgamated with Twentieth Century. The number promised by Fox before the amalgamation was 50 maximum or 40 minimum. After the amalgamation the number of pictures promised was: Twentieth Century-Fox, 50 maximum or 40 minimum; and Twentieth Century (Zanuck), 12 maximum or 9 minimum. The total number the two brands combined delivered was 53, in addition to the westerns, the full number of which was delivered.

### **United Artists**

This company announced for sale 31 pictures; it will deliver 21, including Disney's Review.

The last picture that will be delivered is "Dark Journey," set for release July 2.

In the 1935-36 season it announced 21 pictures, but it delivered only 14.

#### Universal

This company sold 36 regular features and 6 Buck Jones westerns. It has delivered all the westerns and, up to "The Road Back," set for release July 18, 33 of the regular features, leaving 3 to deliver.

In the 1935-36 season, Universal sold the same number of pictures, of both groups. It delivered all the westerns, well enough, but only 22 of the regular features. The shortage was caused by the change of the company's ownership.

#### Warner Bros. Pictures

Warner Bros. sold 30 pictures, 3 of them westerns. It has delivered 2 westerns and, up to "Marry the Girl," set for release July 31, 26 features, leaving only 1 feature and one western to deliver.

In the 1935-36 season the same number of pictures was announced, and all were delivered.

## THE FILM DAILY'S FIGURES AS TO MPTOA'S THEATRE-MEMBERS WRONG

In giving its readers the news that Ed. Levy, of New Haven, officer of Motion Picture Theatre Owners of America, will go to Washington to oppose the rates and charges the Interstate Commerce Commission has set on film carriers, The Film Daily states the following:

"Representing 5,800 theatres affiliated with the national organization, . . ."

This reminds me of the late Sydney Cohen, first president of MPTOA, (who, by the way, made the best president that organization has ever had), and of the way he had of impressing the producers. Whenever he would, at some exhibitor gathering, read some letter recounting producer abuses, he would say that he had a "trunkful" of similar letters, even though he had no other letter than that he had read. He would also say that his organization had ten thousand members.

As far as the membership was concerned, he was technically correct, although MPTOA, even in its palmiest day, had never had ten thousand members, for ten thousand exhibitors and even more were members at least in spirit. Ten thousand exhibitors would follow his lead.

But what are the facts today? MPTOA, since its "sale" to the producers, has all the affiliated theatres as members, and a few independent exhibitors most of whom pay no dues, depending for its existence on the bounty of the producers, who contribute for its upkeep through their theatres. On the other hand, Allied States Association of Motion Picture Exhibitors has thousands of independent exhibitors in its actual membership, and thousands of others who are not members but who cooperate in the problems that confront all the exhibitors.

The Film Daily should check up its figures, to avoid repetition of the error.

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### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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No. 29

### CAN PARAMOUNT FIGHT THE PUBLIC?

The fight against Paramount continues: Pete Wood, of the Ohio organization, national leader in this movement, continues sending out his broadsides and conceiving new ways of bringing Paramount to terms. In this, he is receiving the greatest help from U.M.P.T.O., of E. Pa., S. N. J., and Del. which is the Philadelphia zone exhibitor organization.

At a meeting of the organization, the Philadelphia zone exhibitors pledged themselves to abstain from negotiating for Paramount pictures while the strike continues, to refrain from showing any Paramount pictures, either features or shorts, and to refuse to remit for shorts under the weekly payment plan.

"Every theatre violating the strike will be picketed," a July 9 bulletin of the organization says. And "We have trucks carrying this message:

"Don't Patronize Any Theatre Playing Paramount Pictures During August! Unfair to Organized Independent Theatres!"

The Bulletin states also that Heralds will be distributed by the hundreds of thousands to the public with the following message:

"Support This Strike Against Theatres Playing Paramount Pictures During August!"

The Bulletin then continues:

"This is your fight we are fighting. A contribution to the Strike Fund will not save you from the scorn of your fellow-exhibitors and picketing, if you violate any of the strike orders.

"Do Not negotiate for any pictures—buy—play shorts, features or newsreels (during August) from Paramount during the strike. KEEP AWAY FROM PARAMOUNT!

"REMEMBER, PARAMOUNT WANTS TO EXAMINE YOUR BOOKS....

"There will be no settlement of the strike without protection for every exhibitor. We will not tolerate Paramount's selling away in an attempt to break the strike."

HARRISON'S REPORTS wants to give a word of advice to the Paramount Home Office executives: As long as the strike against their company was confined among the exhibitors alone, they could assume an independent attitude; but not when the public is asked to take a part in the strike. Trucks bearing appropriate inscriptions, parading the streets of a city, cannot help but arouse public sentiment against the company, and against theatres showing Paramount pictures particularly when one remembers how opposed the masses are to corporations. And Paramount certainly cannot rely on the

middle and upper classes when a large number of these classes bought Paramount stock and have beautifully engraved paper in their possession. The executives of other companies, as big and even bigger than Paramount, sat around a table and talked the matter over with exhibitor leaders who had legitimate complaints against them. They did not feel that they were too big to recognize these men, for they knew that the group is much bigger than the individual. If the Paramount heads should continue to ignore them, refusing to listen to their just demands, they will suffer great losses: the strength of the exhibitors may be too small when it is compared with the strength of their company, but it is not too small when to the exhibitor strength is added the strength of a substantial portion of the buying public.

Paramount should act at once, before the movement spreads to every corner of the United States.

### ADVICE TO PARAMOUNT TO SETTLE EXHIBITOR DISPUTE TIMELY

Just before going to press, this office received a copy of the July 8 Bulletin of Allied Theatre Owners of the Northwest, reading as follows:

'At a meeting of Allied held last night, at which over one hundred theatres were represented, it was unanimously voted that a date strike be started against Paramount Pictures, meaning that every theatre represented will pull all dates, including news reels, short subjects, etc., from Paramount Exchange, starting August 1st and continuing until such time as Paramount will agree to give to contract holders the pictures they withdrew from 36-37 contracts and are now trying to resell at an advanced price.

"It was further unanimously decided that the Paramount Exchange should be picketed and that any theatre in the Northwest that plays Paramount pictures on and after August 1st shall also be picketed.

"A special strike committee was appointed and strike headquarters will be opened.

"In addition to the picketing of theatres that play Paramount pictures, radio time will be contracted for in which outstanding orators will request the public to stay away from any theatre that exhibits a Paramount picture on and after August 1st.

"It was further decided that no theatre owner would sign a contract with Paramount for 37-38 product unless they agree to deliver the seven pictures they have withdrawn.

"Stanley Kane, your secretary, is going through the territory to give theatre owners first hand information and to collect dues. This fight can and

### "Glory Trail" with Tom Keene

(Crescent-E. B. Derr Pictures; running time, 65 min.)

A good action melodrama. Mr. E. B. Derr, the producer of this and other Crescent pictures with Tom Keene, has conceived wisely the idea of producing pictures the action of which is as melodramatic as that of westerns, without making them westerns, so that they may be shown not only by theatres in which westerns are popular, but also by theatres in which westerns are not so popular with all their patrons. To do so successfully, he has based his stories on incidents of American history. The story of this picture has as its background the period after the Civil War, and deals with the irreconcilableness of the hero, formerly an officer of the Conferedate Army, and of his men, ex-soldiers, who had gone west to find good land to settle. The action holds one's attention well, and there are several situations with thrills caused mostly by fights between whites and Indians. There is also a charming love affair.

In the development of the plot, the hero is looked upon with suspicion by the officers of the army post near which he had decided to settle with his men. He is even accused of having stolen guns and munitions, to sell them to the Indians. With the chip on his shoulder as a Southerner, he proceeds to prove the officer wrong. He recaptures the wagon and delivers it to the commander of the fort. A convoy, bringing the families of the Southerners and the hero's sister is attacked by the Indians and the hero rushes to their rescue. Thousands of Indians, yelling their war cries, surround the convoy. The defenders fire from between the spokes of the wheels, while the women are crouching either in the wagons or on the ground to escape the Indian bullets. When the leader of a group of Indians, advancing wedge-shaped, is killed, the attackers retreat and the whites win the day. The hero's sister, coming out prematurely to meet her brother, is shot and killed by a retreating Indian. She dies in his arms. By this time, the hero is in love with the Colonel's daughter and they decide to marry.

John T. Neville wrote the story and the screenplay, and Lynn Shores directed it. Joan Barclay takes the part of the heroine. James Bush, Frank Melton, Walter Long and others are in the supporting cast.

Good for the entire family. Class A.

### "It Could Happen to You" with Alan Baxter and Owen Davis, Jr.

(Republic, June 28; time, 64 min.)

A heavy melodrama. The plot is pretty well constructed and to a certain extent interesting; but it is so depressing that it leaves the spectator in an unhappy frame of mind. One or two situations are powerful; the situation where Owen Davis, Jr., a young lawyer, unaware that his father had been killed by his best friend (Alan Baxter), defends him at the trial, making an impassioned plea on his behalf, is one such situation. The love interest, involving the two friends who were both in love with the same girl, is pleasant, for at no time is enmity shown between the friends:

Baxter and Davis, close friends since childhood, are both in love with Andrea Leeds. This hurts Astrid Allwyn, who had had an affair with Baxter and really loved him. Baxter, desperately in need of money with which to buy a school from Walter Kingsford, who was going back to Europe, decides to steal the money from Al Shean, Davis' father, who had saved it up to open a law office for his son. When he is surprised by Shean, he accidentally kills him. Miss Allwyn, who had followed Baxter, and Kingsford both know about the crime. As a price for his silence, Kingsford compels Baxter to use the school for black-mailing poor foreigners by threatening to expose them to immigration authorities. Miss Allwyn finally "squeals," and Baxter is arrested. Davis, refusing to believe Miss Allwyn, agrees to defend Baxter; he wins an acquittal. Baxter makes plans to lead a new and honest life. But when the neighbors, who believed he was guilty and that Davis was in league with him, threaten to kill Davis, Baxter pleads with them, telling them that Davis was innocent. Frantic, he realizes that he must do something drastic to prove his statement, and so he jumps from the roof to his death. Davis is consoled by Miss Leeds

Nathanael West wrote the story, and he and Samuel Ornitz, the screen play; Phil Rosen directed it, and Leonard Fields produced it. In the cast are Christian Rub, Elsa Janssen, and others

Unsuitable for children or adolescents. Adult fare. Class B.

"I Cover the War" with John Wayne

Universal, July 4; running time, 67 min.)

A pretty good program melodrama, combining newsreel work with an uprising in a British Asiatic possession. There are thrills, and some human interest. thrills are caused by a fight between British soldiers and natives in revolt; also by the hero's efforts to take pictures of the leader of the rebels, which efforts place his life in danger:

The hero (John Wayne) is sent to Samari, a British possession in Asia, to cover the native uprising. On his way over he meets the heroine, daughter of the commander of the post, and becomes attracted by her beauty. The hero's poise is disturbed when he sees Elmer, his brother, whom he had been trying to make a doctor, leave school and follow him to Samari, to tell him that he had decided to become a newsreel man. The passes of all newsreel men are revoked because of the discovery that in some way ammunition and rifles had been reaching the rebels. But the hero manages to keep his pass. The hero's brother, however, bent upon becoming a newsreel man even if he had to work for what he thought, a rival concern, but really gun runners, obtains a promise of a job if he could get them through the lines. Elmer steals his brother's pass and by means of it his would-be employers are able to run guns and ammunition through the lines. The British Intelligence Service receives a report on the affair and the hero is put on the carpet. He admits that he had not destroyed his pass but promises to produce it. He confronts his brother and, by knocking him unconscious, he recovers the pass. By using the information he had obtained from his brother, he makes a contact with the gun runners and is led to the headquarters of the revolting leader, who makes him and his pal prisoners. The revolters, having learned that a British detachment was after them, set out to waylay it. The hero and his pal escape with their sound truck but they are wounded seriously. They manage, however, to reach the post. Through the newsreels they had taken, which had been developed, the commander learns that the revolters had waylaid the British detachment and an aeroplane squadron is sent to their help. The hero recovers and becomes engaged to the heroine.

George Waggner wrote the screen play, and Arthur Lubin directed it. In the cast are Owen Gaze, Don Barclay, and others.

Morally, it is good for the entire family. Class A.

### "Drums of Destiny" with Tom Keene (Crescent-E. B. Derr Pictures; running time, 62 min.)

Like "Glory Trail," reviewed in this issue, "Drums of Destiny" is a historical picture, dealing with one part of American history. Without being a western, it combines fast melodramatic action with an interesting story. The action unfolds in the South, near the Florida border, and Florida itself, during the time (1815) that Florida was a Spanish colony, and the Seminole and the Cree Indian tribes were at war with the whites, carried on by guns sold to them by white renegades. There are several thrilling situations, in which Tom Keene, as Captain Jerry

Crawford, patroling the Mississippi against Indians and river pirates, figures. There is also a charming love affair between the Captain and the Florida Governor's

daughter.

In the development of the plot, Bill Crawford, brother of Captain Jerry Crawford, is waylaid by Holston, the Spanish Governor's Provost Marshall, an American renegade, and taken to Potaluna, Spanish headquarters in Florida. When Jerry learns of it he decides to go to Potaluna to rescue him. On his way, he meets Rosa, the Governor's daughter, whose carriage had broken down, and offers her help. Jerry's pleas with Don Salvador, the Governor, are ineffective, but he obtains a stay of execution until he brought from Washington proof that Holston was a criminal. He then is permitted to camp outside the city. Holston decides to act at once. Placing Don Salvador under arrest, he orders that Bill's death sentence be carried out. Rosa rushes to Jerry and he, with his army, attacks Holston and rescues both his brother and the Governor. By this time Jerry and Rosa are in love and Don Salvador blesses their union.

Roger Whately wrote the story, and Ray Taylor directed it, under the supervision of Bernard A. Moriarty. E. Derr produced it. Edna Lawrence, Budd Buster, Robert Fiske and others are in the supporting cast.

Good for the entire family. Class A.

### "Sweetheart of the Navy" with Cecilia Parker and Eric Linden

(Grand National, June 18; time, 611/2 min.) Mediocre program entertainment. The plot is thin, the action slow, and the various attempts at comedy fall flat. What there is of a story is ridiculous, and should direct an appeal mainly to children. A few songs of the popular variety have been interpolated, but these don't help much:-

Cecilia Parker, owner of a cafe frequented by sailors, finds herself in danger of going to jail because she could not meet her bills, her partner having absconded with all their money. Her sailor friends plan to have a bout between Eric Linden and Jason Robards, two sailors, and with their winnings on bets pay off Miss Parker's debts; but the Navy commander forbids the fight. Miss Parker decides to vamp Linden so as to get him to fight; but she falls in love with him as he does with her; as a matter of fact he is ready to give up his career to marry her. They quarrel when she refuses to consent to this. Linden accidentally gets into a fight with Robards and beats him; his sailor friends are overjoyed, for now they are able to pay Miss Parker's debts. She is reconciled with Linden.
Garrett Graham and Jay Strauss wrote the story, and

Carroll Graham, the screen play; Duncan Mansfield directed it, and Bennie F. Zeidman produced it. In the cast are Roger Imhof, Bernadene Hayes, and others.

Morally suitable for all. Suitability, Class A.

"The Hoosier Schoolboy" with Mickey Rooney, Anne Nagel and Frank Shields

(Monogram, July 7; time, 62 min.) A very good human-interest drama. Based on a logical and interesting story, it holds one's attention throughout. The performers are very capable. The story, revolving around the devotion that Mickey Rooney shows for his shellshocked father, who had taken to drink, is edifying, for the characters are noble and real. One is moved to tears in the situation where the father is killed—touched, not so much by the father's death, for he had been ill, as by Mickey's grief, a grief felt by the spectators as much as by the characters. A pleasant romance is worked in:-

Mickey, whose father (Edward Pawley) had been honored as a hero upon his return from the war, but who had since taken to drink because of his shell-shocked condition, is disgusted at his neighbors because of the contempt they showed for both him and his father. One boy in particular taunts him about his father's drunkenness, causing Mickey to knock him out each time he saw him. Every one in town thinks that Mickey was a troublesome character; but his one admirer, the new school-teacher (Anne Nagel), sees Mickey's good qualities through his roughness. Frank Shields, son of the town's rich dairy owner, who was having trouble with striking farmers, gives Pawley a job. Pawley, eager to make good, offers to ride a truck through the blocked up picket line. The truck crashes through the barricade, is wrecked, and Pawley is killed. Mickey is grief-stricken. Shields' father comforts him, telling him that his father had died a hero, because his death brought an end to the strike; he induces Mickey to live at his home. Miss Nagel and Shields decide to marry.

Edward Eggleston wrote the story, and Robert L. Johnson, the screen play; William Nigh directed it, and Ken Goldsmith produced it. In the cast are William Gould, and others

Good for all. Class A.

### "Public Wedding" with Jane Wyman and Dick Purcell

(Warner Bros., July 10; time, 58 min.)

Mediocre program fare. The plot is trite and so ridiculously far-fetched, that it will annoy more than entertain the spectator. There is nothing wrong with the individual performances; it is just that the characters are placed in embarrassing situations and are made to act stupidly. The story is overburdened with dialogue, making the action at times slow. Marie Wilson, as a nit-wit fan dancer, provokes a few laughs by her silly remarks:-

Jane Wyman, in order to help her conniving father (Berton Churchill) put over his stuffed-whale exhibition, agrees to go through a fake marriage in the mouth of the whale in order to put the concession across. When her father's assistant, who was supposed to have acted as the groom, disappears with the receipts, Churchill brings in a young penniless artist (William Hopper) to go through the ceremony with Miss Wyman; no one realizes that the clergy-man sent by the assistant was a real one. And so the marriage turns out to be legitimate. Miss Wyman decides to make the best of things and to help Hopper gain recogni-

tion as an artist. Through faked publicity, she brings him before the public eye, and in a short time he becomes wellknown. The money starts rolling in. Churchill, by using his son-in-law's name, collects large sums of money presumably for the establishment of a scholarship fund for worthy students. But before he has a chance to run away with the money, Miss Wyman finds out about the trick and compels him to turn over the money to her. By using the money for the purposes claimed by Churchill, Hopper is cleared. He and Miss Wyman look forward to a happy life.

Houston Branch wrote the story, and Roy Chanslor and Houston Branch, the screen play; Nick Grinde directed it, and Bryan Foy produced it. In the cast are James Robbins,

Raymond Hatton, and others.

Not suitable for children, Adult fare, Class B.

### "Born Reckless" with Brian Donlevy. Rochelle Hudson and Barton MacLane

(20th Century-Fox, July 9; time, 58 min.)

pretty good program action melodrama. Despite a familiar story, it holds one's attention, for the action is fast. Several situations are exciting. The hero's fearlessness in combating racketeers, who were attempting to force his friends, owners of a taxicab company, into joining their "protective association," causes some thrills; the danger to his life holds one in suspense. The fact that Rochelle Hudson is at first shown as being the racketeer leader's girl puts her in an unfavorable light; but when it is finally established that she had been friendly with the racketeer only to get information concerning her brother, who had been framed by MacLane and sent to jail, one is naturally in sympathy with her. Excitement is caused in the closing scenes when MacLane, who had found out who she was, tries to get from her the damaging evidence she had obtained against him. And to add to the thrills, Donlevy races in a car to overtake the driver of a gasoline truck, who had been ordered by MacLane to crash it into his friend's garage. Donlevy overtakes the truck in time, causing it to overturn before it could strike the building. He is injured and sent to the hospital, for which he is happy for Miss Hudson, with whom he had fallen in love, was a patient at the same hospital, recovering from a gun shot wound inflicted by MacLane.

Jack Andrews wrote the story, and John Patrick, Robert Ellis, and Helen Logan, the screen play; Malcolm St. Clair directed it, and Milton H. Feld produced it. In the cast are Robert Kent, Harry Carey, Pauline Moore, and others. Unsuitable for children. Good for adults. Class B.

### "New Faces of 1937" with Joe Penner, Milton Berle and Harriet Hilliard

(RKO, July 2; running time, 99 min.)

Good! It is a peppy musical, with excellent comedy. And for a novelty, it introduces, as the title suggests, new faces. Two of the leading players—Milton Berle and Parkyakarkus-though well known to radio audiences, are practically newcomers to the screen; they should, however, win the masses over with their brand of comedy, for it is of the type they understand and appreciate. Though the story is thin, the action is breezy, permitting hardly a dull moment. One of the most amusing situations is where Berle, in an effort to get-rich-quick, invests his money in stocks, only to be wiped out. Ann Miller is a stand-out in a tap-dancing routine; she has grace and talent. The novelty of introducing new actors in the manner done in it offers very good exploitation possibilities.

The story deals with the conniving tactics of Jerome Cowan, a play producer, whose system was to sell eightyfive per cent of a show to four different backers and then produce a "flop" so that no one could ask for an accounting. One of his victims is Miss Hilliard who, in order to further her sweetheart's (William Brady's) career, had decided to invest her inheritance of \$15,000 in a musical show, based on a story written by Brady. Cowan again sells 85% of the show to each of three more investors. Realizing that his conniving had been discovered, he runs away, leaving the show in Berle's hands. Berle, unaware of Cowan's perfidy, is elated that he had finally become a producer. When he finds out about the three other backers, he is frightened and decides to follow Cowan's tactics by producing a "flop." But his affection for Miss Hilliard, whose future depended upon the success of the play, compels him to produce a hit. Miss Hilliard and Brady arrange so that each of the other backers should hold a one-fourth interest.

George Bradshaw wrote the story, and Nat Perrin, Philip G. Epstein, and Irving S. Brecher, the screen play; Leigh Jason directed it and Edward Small produced it. In the cast are Thelma Leeds, Lorraine Krueger, and others.

Suitable for all. Class A.

will be won. Do your part. Advise Paramount to take out all dates starting August 1st and send this office copy of the letter you send Paramount.

"In the meantime, do not buy any percentage pictures from any company.

"Notify Paramount to take out all dates set after August 1st. Do this at once."

Accompanying this Bulletin was a double postal card, on one of which the following was printed:

"10 more out of town theatres have joined date strike against Paramount, Let's make it 100%.

"All Paramount dates, including newsreels and short subjects, should be withdrawn after August 1st.

"If you are in sympathy with this movement, sign the attached card and return at once.

"All theatres playing Paramount pictures after August 1st will be picketed."

On the other there is the following:

"Enroll this theatre as a participant in the 'DATE STRIKE' against Paramount in accordance with your Bulletin of July 8th."

A space was provided for the exhibitor's signature.

The advice this paper has given to Paramount to the effect that it should call the exhibitor leaders into conference before the "Sit-Down Strike" spreads seems to have been well made, for this action on the part of Allied Theatre Owners of the Northwest indicates that the strike is spreading, and since the public is asked to take part in this strike it would be wise if the Paramount executives acted at once.

### AN ALLIED STATEMENT PER-TAINING TO MR. RICHEY'S RESIGNATION

The following statement, bearing the date of July 6, was sent to all Allied leaders by the Allied Washington office:

"Numerous leaders and friends of Allied have expressed concern regarding the possible effect of the split-up in Michigan on National Allied. This is due to the inadequacy of the trade paper reports which did not carry significant portions of the statements of the several interests and groups participating in or affected by the recent developments.

"Assurances are hereby given that what has transpired in Michigan had no reference to and will have no effect upon the policies, program and activities of Allied States Association. Mr. Frank Wetsman, a strong Allied supporter, has succeeded to the presidency of Michigan Allied and Mr. Ray Branch resumes his position on the national board—which position he held from 1933 to 1935.

"In addition, Mr. Richey, in a public statement announcing his new connection with Cooperative Theatres of Michigan, said:

"'While the complexion of the local organization will be materially changed by this new set-up no change is contemplated in the national picture so far as Michigan is concerned, Cooperative directors having announced their intention to support National Allied and Abram F. Myers with Mr. Richey active in its national affairs to the limit of his available time as before."

"Thus National Allied is assured of the active support and cooperation of all organizations and

groups in Michigan in its endeavors in behalf of independent theatre owners. It is hoped and believed that in the near future all interests in Michigan will find a way to coordinate their efforts in behalf of the national organization so that they will be productive of the best results.

"Meanwhile, the executive committee of Allied States Association (Nathan Yamins, chairman, S. E. Samuelson, Arthur B. Price and Abram F. Myers, *ex officio*), has formulated plans for expanding the membership and increasing the efficiency of the national organization. This plan will be communicated to all leaders by Chairman Yamins in the near future.

"The motion picture trust has thrown down the gauntlet by spurning the friendly overtures of W. A. Steffes, chairman of the National Defense Committee, by renewed activity in acquiring and building theatres, and by demanding higher prices and more onerous terms for product this year. To add insult to injury, Paramount has refused to deliver pictures contracted for last year and which are known to be available for delivery.

"This challenge will be accepted by the exhibitors by renewed activity in support of Allied's legislative campaign supplemented by a campaign of direct action aimed at Paramount. In connection with the latter, leaders are requested to take public officials and groups in their confidence so that the latter will understand and appreciate the justification for the stern measures being taken. Self-defense is the highest law."

#### FOR SALE—TITLES AND NUMBERS

In the last few seasons, the producers have eliminated from the offered contracts all reference to stars, stories, or even titles; the contracts submitted to you contained just so many numbered pictures, and in some cases not even numbers were contained, but only the maximum and minimum number of pictures offered for sale. But in the trade papers, most companies gave statements as to the kind of stories they would use, with the authors' names.

This season most of them have given out titles, well enough, but no authors of the stories, except in a few instances. So what an exhibitor has to rely on is the reputation of the company offering the pictures for sale.

But how much is such reputation worth? Not much when one remembers that Paramount has taken at least ten choice pictures away from the holders of 1936-37 season's contracts and is selling them in the 1937-38 group.

The major companies are against the Neely-Pettengill Bill! Why shouldn't they be? So far as they are concerned, there is no block-booking, for they may sell in a block, but, because of the vagueness of the contract, they can take away from the block the choicest pictures.

The Court Bill is about to be disposed of. After the disposal of that bill, Congress may remain in session for some time. It is then that every independent exhibitor should exert his greatest efforts to have the Neely-Pettengill Bill put through. It is the only thing that will save your investment. In the meantime, communicate with your Congressman and the Senator from your District and urge him to give the Bill his greatest support. Remember that in this fight you are not alone; many civic, religious or fraternal organizations are with you.

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Devoted Chiefly to the Interests of the Exhibitors

Its Editorial Policy: No Problem Too Big for Its Editorial Columns, if It is to Benefit the Exhibitor.

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### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XIX

SATURDAY, JULY 24, 1937

No. 30

### Box Office Performances of 1936-37 Season's Pictures-No. 1

This is the fourth series of articles giving the box office performances of 1936-37 season's pictures. The third series was printed beginning with the May 22 issue:

#### Columbia

"Criminals of the Air," with Rosalind Keith and Charles Quigley, produced by Wallace MacDonald and directed by C. C. Coleman, Jr., from a screen play by Owen Francis: Fair to poor.

"The Frameup," with Paul Kelly and Jacqueline Wells, produced by Ralph Cohn and directed by D. Ross Lederman, from a screen play by Harold Shumate: Fair to poor.

"Speed to Spare"; facts were given in the May 22 issue.

"Venus Makes Trouble," with James Dunn and Patricia Ellis, directed by Gordon Wiles, from a screen play by Michael L. Simmons: Fair to poor.

"League of Frightened Men," with Walter Connolly, Lionel Stander, and Eduardo Ciannelli, produced by Edward Chodorov, and directed by Alfred E. Green, from a screen play by Eugene Sollow and Guy Endore: Good to poor.

"Girls Can Play," with Charles Quigley, and Jacqueline Wells, produced by Ralph Cohn, and directed by Lambert Hillyer from a screen play by himself: Fair to poor.

"The Devil is Driving," with Richard Dix and Joan Perry, directed by Harry Lachman, from a screen play by Jo Milward and Richard Blake: Good.

"A Fight to the Finish," with Don Terry and Rosalind Keith, directed by C. C. Coleman, from a screen play by Harold Shumate: Poor.

"Roaring Timber," with Jack Holt and Grace Bradley, directed by Phil Rosen, from a screen play by Paul Franklin and Robert James Cosgriff: Fair to poor.

"It Can't Last Forever," with Ralph Bellamy and Betty Furness, directed by Hamilton Mac-Fadden, from a screen play by Lee Loeb and Harold Buchman: Good to fair.

"Dodge City Trail" (released February 5): Although this picture is a western, Columbia is not classifying it as such, but delivering it on the regular contract: Fair to poor.

Grouping the different grades, we get the following results: Good, 1; Good to Fair, 1; Good to Poor, 1; Fair to poor, 6; Poor, 1. Adding also those that have been reported in previous issues we get the following results:

Excellent, 1; Very Good, 1; Very Good to Good, 1; Good, 3; Good to Fair, 4; Good to Poor,

1; Fair, 5; Fair to Poor, 11; Poor, 8—total number of 35 pictures.

The first 35 of the 1935-36 season, exclusive of the westerns, were rated as follows:

Excellent, 1; Very Good, 1; Good, 1; Good to Fair, 1; Fair, 11; Fair to Poor, 6; Poor, 14.

These figures show that the Columbia product during the 1936-37 season did not show any improvement that could be noticed.

### First National

"The Prince and the Pauper," with the Mauch twins, Errol Flynn and Claude Rains, produced by Robert Lord, and directed by William Keighley, from a screen play by the late Laird Doyle: Very good to good.

"Draegerman Courage," with Barton McLane, Jean Muir and Henry O'Neill, produced by Bryan Foy and directed by Wm. Clemens, from a screen play by Don Ryan and Kenneth Gamet: Fair-Poor.

"The Case of the Stuttering Bishop," with Donald Woods and Ann Dvorak, produced by Bryan Foy and directed by William Clemens, from a screen play by Don Ryan and Keneth Gamet: Fair.

"Ever Since Eve," with Marion Davies and Robert Montgomery, produced by Earl Baldwin, and directed by Lloyd Bacon, from a screen play by Lawrence Riley, Earl Baldwin, and Lillie Hayward: Good-fair-poor.

"Talent Scout," with Donald Woods, and Jeanne Madden, produced by Bryan Foy and directed by William Clemens, from a screen play by George R. Bilson and William Jacobs: Fair.

Grouping the pictures of the different ratings we get the following results: Very Good to Good, 1; Good to Poor, 1; Fair, 1; Fair to Poor, 2—all told 5. Adding to these all those that have been reported in previous issues we get the following results:

Very Good to good, 3; Good, 3; Good to Fair, 4; Good to Poor, 1; Fair, 3; Fair to Poor, 6; Poor, 2—altogether, 22 pictures.

The first 22 of the 1935-36 season were rated as follows:

Excellent, 2; Very Good, 2; Very Good to Good, 1; Good, 2; Good to Fair, 4; Fair, 8; Fair to Poor, 1; Poor, 2.

The showing the First National pictures are making in the current season is very poor.

Westerns are not included in this check-up.

Metro-Goldwyn-Mayer

"Way Out West," with Laurel and Hardy, directed by James W. Horne, from a screen play by

### "Two Who Dared" with Anna Sten and Henry Wilcoxon

(Grand National, May 8; time, 721/2 min.)

If it weren't for the lively Russian and gypsy music that is played throughout, this British-made picture would be pretty boresome. The plot is trite and not particularly pleasant, and the leading characters do not awaken sympathy. Anna Sten, being Russian, is the only one who seems suited to her part; all the others are English players and, since they depict Russians, their British accents are out of place. The best scenes are where the peasants celebrate the marriage of the hero to a society girl; they sing and dance to the strains of haunting Russian and gypsy music.

Henry Wilcoxon, captain in the Russian Army, is attracted to Miss Sten, a peasant; but he marries a society girl, whom he does not love, Miss Sten becomes engaged to a private (John Garrick) in the Army. In order that she might be near him, he obtains for her a position as nursemaid in Wilcoxon's home. Realizing that she was still in love with Wilcoxon, she fears to take the position, but Garrick insists. Wilcoxon soon declares his love for her and she decides to leave. In the meantime gossip had spread and Garrick, hearing of it, is furious; he tells Miss Sten he will not marry her. In his angry mood, he tries to attack Wilcoxon; he is arrested and his clothes examined. Revolutionary literature is found on him; but he pleads innocence. He had picked up the papers to use for cigarettes, and, not being able to read, had no idea what it was about; he claims he had struck Wilcoxon because of jealousy. But Wilcoxon, in order to save himself from disgrace, issues a signed statement saying that Miss Sten was not his mistress and that he believed Garrick to be a revolutionist. His wife, nevertheless, divorces him. In the meantime, Miss Sten becomes a noted ballerina; and since she had changed her name it takes the Government months before they can locate her to testify for Garrick. Knowing that Garrick was innocent, she purposely lies by saying that she had been Wilcoxon's mistress; Garrick is released. Wilcoxon is compelled to resign from the Army; but he does not object to this since he now was able to marry Miss Sten.

Fedor Otzep wrote the story, and W. Chetham Strode, the screen play; Eugene Frenke directed and produced it. In the cast are Viola Keats, Esme Percy, Guy Middleton,

Unsuitable for children and adolescents. Adult fare. Class

### "Knight Without Armor" with Marlene Dietrich and Robert Donat

(London Film-United Artist, July 8; time, 107 min.)

This story of the Russian Revolution is a fairly interesting and at times exciting melodrama; but it should appeal mostly to class audiences. The story of the filth, squalor, and torture that human beings had to undergo during that period is not pleasant. The many scenes that show firing squads killing innocent persons are particularly harrowing. Aside from these features, the picture offers a romantic adventure, improbable in its conception, but exciting because the hero and the heroine, in their many attempts to escape from Bolshevik Russia, are in constant danger of being killed:-

Robert Donat, English correspondent in Russia, is ordered out of the country because of a disparaging article of his about the system of government. Instead of leaving, he takes work with the British Secret Service. His first assignment is to join the Revolutionary movement in order to keep a close watch on what was happening. He is caught, along with other Revolutionists, and is sent to Siberia, where he stays for two years. During that time the war had broken out and the Revolutionists had gained control; he is freed and is given a position of importance in the Government. Miss Dietrich, a Countess, and her servants are arrested, and her house destroyed. The Bolshevik leader, fearing for her safety, orders Donat to take her to St. Petersburg. The inevitable happens—they fall in love, and decide to make every effort to get out of the country After many hair-raising experiences, they escape on a Red Cross train leaving the country.

The plot was adapted from the novel by James Hilton. Frances Marion wrote the screen play, Jacques Feyder directed it, and Alexander Korda produced it. In the cast are Irene Vanbrugh, Herbert Lomas, and others.

Morally suitable for all. Class A.

### "Super Sleuth" with Jack Oakie, Ann Sothern and Eduardo Ciannelli (RKO, July 16; time, 69 min.)

A good comedy-melodrama. Most of the laughs are provoked by Jack Oakie, a star in motion picture detective stories, who, because of his ability to solve mysteries on the screen, thinks he is capable of doing so in real life. Some of the situations that Oakie gets himself into in an effort to apprehend the criminal who had been threatening his life are extremely comical, and others, exciting. The closing scenes, where Oakie is trapped by the criminal are thrilling; Oakie manages to overpower the villain and turn him over to the police. These scenes are comical, too, because of the slapstick indulged in when the villain tries to use sliding panels, trap doors, and torture gadgets in an effort to trap Oakie. The romance is pleasant:—

Ann Sothern, publicity director for the motion picture studio where Oakie was a star playing detective parts, pleads with Oakie to desist from making references to the stupidity of the police in their failure to apprehend the criminal who had been sending poison pen letters to various persons. Oakie becomes frightened when he begins receiving letters himself and several attempts are made upon his life. He consults Eduardo Ciannelli, a peculiar professor who specialized in criminology, as to how to proceed. Miss Sothern has Oakie arrested in an effort to protect his life. She is terror-stricken when she hears that Ciannelli had bailed him out and taken him to his home, for she had discovered that Ciannelli was the criminal. She rushes there with the police, and just in time. Ciannelli was about to kill Oakie, who was amazed that the professor, who, he thought, was his friend, was in reality the guilty party. Oakie overpowers Ciannelli and hands him over to the police, thus making good his boast that he could find the criminal. Miss Sothern promises to marry him.

Harry Segall wrote the story, and Gertude Purcell and Ernest Pagano, the screen play; Ben Stoloff directed it, and Edward Small produced it. In the cast are Alan Bruce, Joan Woodbury and Edgar Kennedy.

Suitable for all. Class A.

### "King Solomon's Mines" with Cedric Hardwicke, Anna Lee and Paul Robeson

(Gaumont-British, July 17; time, 751/2 min.)

This fantastic melodrama is fair entertainment for those who like something unusual. The production, particularly in the second half, which takes place in the wilds of Africa, where a group of white persons had gone in search of King Solomon's mines, is magnificent. The first half is slow, and the accents very thick; but the second half is fairly exciting and holds one in pretty tense suspense. The scenes of warfare between two rival African tribes are thrilling, to say the least. But it is in the closing scenes, when the white folk are trapped in the diamond mine which was gradually collapsing owing to a volcanic eruption, leaving them on the edge of a cliff, that the picture reaches its most exciting point; the settings for these scenes look realistic. A pleasant romance has been worked into the story, but it is of minor importance. Paul Robeson sings a few numbers; but at times the music interrupts the action:

When her father (Arthur Sinclair) goes off to the wilds of Africa in search of the King Solomon diamond mines, Anna Lee induces Cedric Hardwicke, a famous hunter, who had no interest in wealth but feared for her safety, to accompany her in search of her father; they are joined by Roland Young and John Loder, two British noblemen. After days of torture on the desert without water, they finally arrive at the mines. They are captured by a hostile African tribe and sentenced to death. Young, who knew that the eclipse of the sun was due, frightens the tribesmen by pretending that he had caused the eclipse. While the frightened cannibals hide, the white folks rush to the mine presided over by a witch. There they find Sinclair, who had been unable to move because of a broken leg, and get him out of the mine just before a volcanic eruption caused it to collapse; but they had taken enough of the jewels to make them wealthy. After helping Robeson, who had accompanied them throughout the trip, to gain back the throne stolen from him by the evil ruler, they proceed back to civilization. By this time Miss Lee and Loder are in love.
The plot was adapted from the novel by H. Rider Hag-

gard; A. R. Rawlinson, Charles Bennett and Ralph Spence wrote the screen play; Robert Stevenson directed it. In the cast are Sydney Fairbrother, and others.

Suitable for all. Class A.

### "Wild Money" with Edward Everett Horton, Lynne Overman and Louise Campbell

(Paramount, July 9; time, 68 min.)

A mildly pleasant program comedy-melodrama. Although the story is thin, the action is fast and so one's attention is held fairly well. The laughs are provoked by Horton, a skinflint auditor for a newspaper, who spends money wildly when he himself is on the trail of a good story. The picture is at its best in the closing scenes, where Horton and his assistant, a country rube, trap the criminals; during these scenes there is a wild chase in automobiles over rough country, with Horton completing his trip in a tractor. Otherwise, Horton goes through his familiar tricks, and wins out in his romance in his usual shy manner:—

Horton, auditor for a large newspaper, drives every one crazy because of his demands for economy. This is so distasteful to Louise Campbell, a reporter, that she decides to end her romance with him. Horton gocs away to his cabin in the woods to spend his vacation; while there a millionaire neighbor is kidnapped. Horton telephones the news to his managing editor, who tells him to stick to the story and spend as much as necessary to keep other reporters away. And so Horton goes off on an orgy of spending, but gets results. When his co-workers, including Miss Campbell, arrive they find a new man; he gives them orders which they disobey almost causing them to lose the story. But Horton finally traps the kidnappers and, with the help of Miss Campbell and Overman, frees the kidnapped man and gets back the ransom money. Miss Campbell now asks him to marry her.

to marry her.
Paul Gallico wrote the story, and Edward T. Lowe,
Marguerite Roberts, and Eddie Welch, the screen play;
Louis King directed it. In the cast are Lucien Littlefield,
Esther Dale, Porter Hall, Benny Baker, and others.

Suitable for all. Class A.

## "The Emperor's Candlesticks" with William Powell and Luise Rainer

(MGM, July 2; time, 89 min.)

Metro has given this espionage story a gorgeous production—the settings and costumes are extremely lavish. And the performances are excellent. Yet it is a class-audience picture, for the formula story lacks the exciting quality necessary for mass appeal. As a matter of fact, there are spots in it that are quite dull, because of lengthy conversations and lack of action. One is held is suspense because of the danger to the hero, who had undertaken a mission that required nerve and brains. The romance is developed in the customary style, with disappointments and final

reconciliation:-

A group of Polish nationalists kidnap a Russian Grand Duke (Robert Young), their purpose being to obtain the release of their leader, who had been condemned to death, through him. William Powell is selected as the cleverest spy to deliver a note to the Czar demanding their leader's life in return for the Grand Duke's. Powell, knowing that he would be killed if the note were found on him, hides it in a secret compartment of one of a pair of candlesticks he had promised to deliver for a Prince to some one in Russia. But Miss Rainer, a Russian spy entrusted with papers for the apprehension of Powell, upon learning of the secret compartment, pleads with the Prince to permit her to take the candlesticks to Russia; he agrees and she hides the papers in the second candlestick. Powell is, therefore, compelled to follow Miss Rainer. When the candlesticks are stolen from her, he insists upon helping her find them. Their search takes them all over Europe, and finally to London, where they are compelled to spend a large sum of money at an auction sale in order to get them back. By this time Powell knows that Miss Rainer had his life in her hands. But he continues with his mission, by sending the note to the Czar by underground methods; the Polish leader is released and so is the Grand Duke. Miss Rainer, who had fallen in love with Powell, burns the damaging cyidence she had against him; she is taken with him before the Czar. Happy because of the safe return of his son, he forgives them both and gives them his blessing for a happy marriage.

The plot was adapted from the novel by Baroness Orczy; Monekton Hoffe and Harold Goldman wrote the screen play, George Fitzmaurice directed it, and John W. Considine, Jr. produced it. In the cast arc Maureen O'Sullivan, Frank Morgan, Henry Stephenson, Bernadene Hayes,

and others.

Morally suitable for all. Class A.

### "Easy Living" with Jean Arthur, Edward Arnold and Ray Milland

(Paramount, July 18; time, 87 min.)

A delightful comedy, suitable for all types of adult audiences. Although somewhat sophisticated in theme, it should be thoroughly enjoyed by the masses, for the action is fast, and slapstick has been employed with hilarious results. The scene at the Automat restaurant where the hero, during a fight, releases the lever, opening all the small doors containing the food, will set audiences howling with delight. The sex angle is not offensive; as a matter of fact it is the basis for the comedy. The story is, of course, farfetched; but there is so much that the picture offers in the way of acting, settings, and good natured fun, that one does not mind the lack of a substantial plot. The romance is charming:—

When Edward Arnold, millionaire banker and wall street trader, learns that his wife had spent \$58,000 on a sable coat, he is so angry that he takes the coat and throws it to the street. The coat falls on Jean Arthur, an impoverished stenographer, who was riding atop the Fifth Avenue bus on her way to work. She rushes off the bus and offers to give the coat back to Arnold but he refuses it; as a matter of fact he takes her to a milliner and buys her an expensive hat to match the coat. She does not even know who he is. The milliner spreads a rumer that Miss Arthur was Arnold's mistress. And then things begin to happen to her. Luis Alberni, owner of a fashionable hotel, offers her a magnificent suite of rooms, thinking that her presence there would bring curious customers. Miss Arthur meets Ray Milland, Arnold's impetuous son, who had left home and had taken a job as dishwasher at the Automat. When he loses his job because of her, she takes him to her suite and tells him what had happened to her; neither one can make out what it is all about. A stock broker, also of the opinion that she was Arnold's mistress, asks her to find out what was going to happen to steel stock. Milland tells her to say it would go down, and so every one sells, and Arnold, who knew it should go up, buys it all; but when the stock does not move he realizes he is ruined. Eventually everything is cleared up; Milland suggests to his father that Miss Arthur call the same man and tell him that steel would go up. Miss Arthur does that, and naturally Arnold recoups his loses. Milland and Miss Arthur, being in love, decide to marry.

Vera Caspary wrote the story, and Preston Sturges, the screen play; Mitchell Leisen directed it, and Arthur Hornblow, Jr., produced it. In the cast are Mary Nash, Franklin Pangborn, and others.

Children will not understand the sex angle, but adolescents will. Best suited for adults. Class B.

### "The Thirteenth Man" with Weldon Heyburn and Inez Courtney

(Monogram, June 30; time, 70 min.)

A pretty good melodrama. The story is not new, but the action is fast and at times exciting, holding one in suspense. One is in sympathy with the hero, a newspaper reporter, who risks his life to avenge the death of his friend, and to bring the villain, whose identity is, incidentally, not disclosed until the end, to justice. The romance is treated in a breezy manner, with wisecracks that provoke laughter:—

Weldon Heyburn, a fearless columnist who broadcasts his scoops over the radio, learns that the District Attorney, who was supposed to have died from heart trouble, had really been murdered. He sends his assistant to get certain information. The young man is killed, just on the day he was to have been married. Heyburn is heartbroken and is determined to follow the story through himself. When he has the necessary information he calls all the suspects to his office, and in the presence of the police discloses that the criminal was none other than his own employer, the publisher of the newspaper; he had known that the District Attorncy was going to prosecute him our racketcering charges and so had killed him as he had killed the young reporter. Heyburn makes his secretary (Inez Courtney) happy by proposing to her.

John Krafft wrote the story and screen play; William Nigh directed it and Lon Young produced it. In the cast are Selmer Jackson. Matty Fain, Robert Homan, Eadie Adams, and others.

The murders make it insuitable for children. Adult fare, Class B.

Charles Rogers, James Parrot, and Felix Adler: Fair.

"The Good Old Soak," with Wallace Berry, Una Merkel and Ted Healy, produced by Harry Rapf, and directed by J. Walter Ruben, from a screen play by A. E. Thomas: Good to fair.

"Nobody's Baby," with Patsy Kelly, Lyda Roberti and Robert Armstrong, produced by Hal Roach and directed by Gus Meins, from a screen play by Pat C. Flick, Harold Law and Hal Yates: Fair.

"Night Must Fall," with Robert Montgomery and Rosalind Russell, produced by Hunt Stromberg, and directed by Richard Thorpe, from a screen play by John Van Druten: Good-fair-poor (most of the reports were fair).

"The Thirteenth Chair," with Madge Evans, Lewis Stone, and Dame May Whitty, directed by George B. Seitz, from a screen play by Marion Parsonnet: Fair.

"They Gave Him a Gun," with Spencer Tracy, Franchot Tone and Gladys George, produced by Harry Rapf and directed by W. S. Van Dyke, from a screen play by Cyril Hume, Richard Maibaum and Maurice Rapf: Good to fair.

"Pick a Star," with Patsy Kelly and Jack Haley, produced by Hal Roach and directed by Edward Sedgwick, from a screen play by Richard Flournoy, Arthur Vernon Jones, and Thomas J. Dugan: Fair.

"Parnell," with Clark Gable and Myrna Loy, produced and directed by John M. Stahl, from a screen play by John Van Druten and S. M. Behrman: Good to fair.

"A Day at the Races," with the Marx Brothers: Excellent to very good.

"Married Before Breakfast," with Robert Young and Florence Rice, produced by Sam Zimbalist and directed by Edwin L. Marin, from a screen play by George Oppenheimer and Everett Freeman: Good to fair:

"Captains Courageous": The facts were given in the May 22 issue.

"The Emperor's Candlesticks," with William Powell, Luise Rainer, Robert Young, Maureen O'Sullivan and Frank Morgan, produced by John W. Considine, Jr., and directed by George Fitzmaurice, from a screen play by Monckton Hoffe and Harold Goldman: Very good to good.

Grouping them in accordance with the different ratings we get the following results: Excellent to very good, 1; Very Good to good, 1; Good to fair, 4; Good to poor, 1; Fair, 4. Adding to these all those that have been reported in previous issues we get the following results:

Excellent, 3; Excellent to very good, 1; Very Good, 2; Very Good to good, 2; Good, 2; Good to fair, 5; Good to poor, 1; Fair, 13; Fair to poor, 5; Poor, 4—altogether 38 pictures.

The first 38 of the 1935-36 season were rated as follows:

Excellent, 5; Very Good, 3; Very Good to good, 2; Good, 6; Good to fair, 2; Fair, 4; Fair to poor, 5; Poor, 11.

On the high ratings, the pictures did not do as well this season as they did last season.

## PLAY-DATE STRIKE AGAINST PARAMOUNT SPREADING

Motion Picture Theatre Owners of Western Pennsylvania is the latest exhibitor organization to go on a play-date strike against Paramount. At a meeting held on July 8, action was taken to (1) play no Paramount pictures during the month of August, and (2) to sign no contract for Paramount pictures, either features, shorts or newsreels, until Paramount announced that it will deliver to the 1936-37 season's contract holders the pictures that it has withheld from them.

There is no doubt that other exhibitor organizations have taken similar action.

That the strike is beginning to worry the Paramount executives may be evidenced by the notice the Philadelphia organization has sent to all its members warning them against accepting as accurate the statement of Paramount salesmen that a discussion is taking place between representatives of Paramount and of the organization, and that, for this reason, pulling off dates is unnecessary. Mr. Aarons, the Secretary, states that when a settlement is effected it will be announced by the organization.

The moral support the exhibitor leaders are receiving from the exhibitors, not only members but also non-members, is inspiring. One exhibitor in the Philadelphia territory, who is not a member of the organization, sent a check for \$300 to be used in carrying on the "Sit-Down Strike."

If the exhibitors had used the methods they now are using to win the play-date strike against Paramount, the condition of the independent exhibitor today would be different. The exhibitor has always had a powerful weapon in his hand—enlisting public support, but this is really the first time that he has used it systematically. And there is no doubt in any intelligent person's mind that it will prove effective, for it hits just where it hurts the most—the pocketbook.

Paramount, with its one thousand odd theatres, is not in a position to ignore a fight in which the public is induced to take a part, for it is the public that pays its dimes and its nickels to the box office. And when it is aroused, the flow of these dimes and nickels stops.

Last week, this paper suggested to the Paramount executives to come off their high horses and send for the exhibitor leaders to discuss the controversy with them with a view to finding a solution. They should do so at once, for every day that settlement is delayed their losses mount. They did wrong in withholding choice pictures from those who, having had faith in a Paramount square deal, signed a Paramount contract, feeling sure that what Paramount promises, Paramount delivers. Paramount should do something to restore the exhibitor faith in it.

If you have not yet pulled off your August dates for Paramount pictures, either features or shorts, do so at once. Notify your exchange to take these dates off. And if you have not yet contracted for Paramount pictures, hold off until Paramount undoes the injustice it has done to you. Remember that victory against Paramount now will so frighten the other distributors that they will not dare again withhold from you pictures you are morally entitled to.

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### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XIX

SATURDAY, JULY 31, 1937

No. 31

### Box Office Performances of 1936-37 Season's Pictures—No. 2

This is the second article of the fourth series. Eight hundred theatres are contributing to this check-up.

#### Paramount

"Make Way for Tomorrow," with Victor Moore and Beulah Bondi, produced and directed by Leo McCarey, from a screen play by Vina Delmar: Good.

"Turn Off the Moon," with Charles Ruggles and Eleanor Whitney, produced by Miss Fanchon and directed by Lewis Seiler, from a screen play by Marguerite Roberts, Harlan Ware, and Paul Gerard Smith: Good to fair.

"Night of Mystery," with Grant Richards and Roscoe Karns, directed by E. A. Dupont, from a screen play by Frank Partos and Gladys Unger: Fair to poor (mostly poor).

"I Met Him in Paris," with Claudette Colbert, Melvyn Douglas and Robert Young, produced and directed by Wesley Ruggles, from a screen play by Claude Binyon: Very good to good (mostly very good).

"Hotel Haywire," with Lynne Overman, Leo Carrillo and Spring Byington, directed by George Archainbaud, from a screen play by Preston Sturges: Fair to poor (mostly

"Last Train from Madrid," with Dorothy Lamour and Lew Ayres, produced by George Arthur and directed by James Hogan, from a screen play by Louis Stevens and Robert Wyler: Fair to poor (preponderately fair).

"Mountain Music," with Martha Raye and Bob Burns, produced by Benjamin Glazer and directed by Robert Florey, from a screen play by John C. Moffit, Duke Atteberry, Russel Crouse, and Charles Lederer: Good (1 report had it as excellent, two as very good, and one as poor; but 90% of the reports had it as good).

"The Great Gambini," with Akim Tamiroff, John Trent and Marian Marsh, produced by B. P. Schulberg, and directed by Charles Vidor, from a screen play by Frederick Jackson, Frank Partos and Howard Irving Young: Fair.

"Midnight Madonna," with Warren William, Mady

Correll and Kitty Clancy, produced by Emanuel Cohen and directed by James Flood, from a screen play by Doris Malloy and Gladys Lehman: Fair.

"Wild Money," with Edward Everett Horton, Lynne Overman, and Louise Campbell, directed by Louis King, from a screen play by Edward T. Lowe, Marguerite Roberts, and Eddie Welch: Fair to poor.

"Easy Living," with Edward Arnold, Jean Arthur, and Ray Milland, produced by Arthur Hornblow, Jr., and directed by Mitchell Leisen, from a screen play by Preston Sturges: Very good to good.

Grouping these eleven pictures in accordance with their rating we get the following results:

Very Good to Good, 2; Good, 2; Good to Fair, 1; Fair, 2; Fair to Poor, 4. Adding to these all those that were reported previously (excepting the Hopalong Cassidy's and the Zane Grey's), we get the following results:

Excellent, 1; Excellent to Very Good, 2; Very Good, 3; Very Good to Good, 5; Good, 8; Good to Fair, 4; Fair, 9; Fair to Poor, 15; Poor, 3—all told, 50 pictures.

The first 50 of the 1935-36 season, excluding the Westerns

and the Zane Greys, were rated as follows:

Excellent, 1; Excellent to Very Good, 1; Very Good, 1; Very Good to Good, 2; Good, 6; Good to Fair, 4; Fair, 7; Fair to Poor, 8; Poor, 20.

There is considerable improvement in the box office performances of this season's pictures, but in view of the fact that the performances of the 1935-36 season's pictures were too low, the improvement does not represent any real progress; it is merely a raising of the standard from the very low, but not a real raising when the prices paid by the exhibitors are taken into consideration. Delivery of the withheld pictures might have made the exhibitors feel that there has been a real improvement.

### RKO (Radio) Pictures

"Outcasts of Poker Flat," with Preston Foster, Virginia Weidler and Jean Muir, produced by Robert Sisk and directed by Christy Cabanne, from a screen play by John Twist and Harry Segall: Fair to poor (predominantly fair; a small number of reports had it as good).

"The Woman I Love," with Paul Muni, Miriam Hopkins and Louis Hayward, produced by Albert Lewis, and directed by Anatole Litvak, from a screen play by Ethel Borden: Fair (a very small number had it as good and an equal number as poor).

"You Can't Buy Luck," with Onslow Stevens and Helen Mack, produced by Maury Cohen and directed by Lew Landers, from a screen play by Arthur T. Horman and Martin Mooney: Fair to poor (the majority favoring the fair)

"Shall We Dance?" with Fred Astaire and Ginger Rogers, produced by Pandro Berman and directed by Mark Sandrich, from a screen play by Allan Scott and Ernest Pagano: Very good to good.

"Behind the Headlines," with Lee Tracy and Diana Gibson, produced by Cliff Reid and directed by Richard Rosson, from a screen play by J. Robert Bren and Edmund Hartman: Fair (a few reports had it as poor).

"There Goes My Girl," with Ann Sothern and Gene Raymond, produced by William Sistrom and directed by Ben Holmes, from a screen play by Harry Segall: Good to fair (mostly fair).

"Hollywood Cowboy," with George O'Brien, produced by George A. Hirliman and directed by Ewing Scoott, from

a screen play by Dan Parrett and the director himself: Fair (some reports had it as good but also some as poor).

"Border Cafe," with Harry Carey, John Beal and Armida, produced by Robert Sisk and directed by Lew Landers, from a screen play by Lionel Houser: Fair to poor.

"Meet the Missus," with Helen Broderick, Victor Moore and Anne Shirley, produced by Albert Lewis and directed by Joseph Santley, from a screen play by Joseph Townley.

by Joseph Santley, from a screen play by Jack Townley, Bert Granet, and Joel Sayres: Good to fair (mostly fair).

"Riding on Air," with Joe E. Brown and Florence Rice, produced by David L. Loew and directed by Edward Sedgwick, from a screen play by Richard Flournoy and Richard Macaulay: Good to fair.

"You Can't Beat Love," with Preston Foster and Joan Fontaine, produced by Robert Sisk and directed by Christy Cabanne, from a screen play by David Silverstein and Maxwell Shane: Fair to poor.

Grouping these 11 pictures in accordance with their rating, we get the following results: Very Good to Good, 1; Good to Fair, 3; Fair, 3; Fair to Poor, 4. Adding to these all those that have been reported in previous issues, we get the following results:

Very Good to Good, 2; Good, 1; Good to Fair, 8; Fair, 10; Fair to Poor, 9; Poor, 4-all told, 34.

The first 34 of the 1935-36 season were rated as follows:

Excellent, 3; Good, 5; Good to Fair, 1; Fair, 6; Fair to Poor, 7; Poor, 12.

There has been some improvement in the lower allocations, but not in the higher.

### "Paradise Isle" with Movita and Warren Hull

(Monogram, July 21; time, 72 min.)

Mildly pleasant program entertainment; it should give satisfaction where patrons like South Sea Island pictures. The authentic background and the native melodies are the main attractions, for the action is slow, the story unfolding in a leisurely manner. One feels sympathy for the hero and the heroine, who make sacrifices for each other. The performances are good:-

Movita, a native of the South Sea Islands, finds Warren Hull, who had been washed ashore from a shipwreck, takes him to a hut and, noticing that he was blind, tries to make him comfortable. At first he resents her attentions but soon he is thankful. She falls madly in love with him, and risks her life to dive for pearls in order that he might have the means to pay for a noted surgeon to operate on his eyes. A young native in love with Movita, feeling that if Hull were to see again he would leave the island, goes for Pierre Watkin, a famous surgeon, who was cruising in the native waters. Watkin agrees to operate on condition that, if the operation were successful, Hull would return to New York and continue his work as an artist. When Hull's sight is restored, he realizes that he could not leave Movita and asks Watkin to release him from his promise. He goes back to the island, where Movita joyfully rushes to his arms.

Allan Vaughan Elston wrote the story, and Marion Orth, the screen play; Arthur Greville Collins directed it, and Dorothy Reid produced it. In the cast are William Davidson, John St. Polis, George Piltz, and others.

Morally suitable for all. Suitability, Class A.

### "Talent Scout" with Donald Woods and Jeanne Madden

(First Nat'l., July 24; time, 62 min.)

A moderately entertaining program comedy, with music. It is a sort of Cinderella story, in which the heroine rises, from obscurity, to fame and fortune in the movies. There is no novelty in the plot construction; however, the action is fast, and so one's attention is held fairly well. The few songs sung by Miss Madden are of the popular variety; but because of poor recording they do not register well. The comedy is fair; it is provoked by the methods Donald Woods, a talent scout, employs to outwit the heads of the motion picture company, compelling them to sign contracts for his "finds":

Woods, a talent scout, is discharged for having bungled a cross-country tour of chorus girls, as publicity for his studio. While hitch-hiking on his way back to Hollywood, he discovers Jeanne Madden, an excellent singer; he insists that she leave for Hollywood with him. Her first screen test is a dismal failure; Joseph Crehan, one of the heads of the studio, is enraged and orders Woods off the premises. But Woods refuses to give up. Through a trick he passes Miss Madden off as a foreign notable and has her sing at a large gathering; she is a sensation. Charles Halton, another partner of the picture company, signs her up; Crehan faints when he learns what had happened. But everyone is happy when Miss Madden "clicks" in her first picture. On the night Woods was going to propose to her, she tells him she was in love with Fred Lawrence, a star. Woods, being a good sport, keeps quiet; he plans a honeymoon for the couple that would bring them much publicity.

George R. Bilson wrote the story, and George R. Bilson and William Jacobs, the screen play; William Clemens directed it, and Bryan Foy produced it. In the cast are Rosalind Marquis, Mary Treen, and others.

Suitable for all. Suitability, Class A.

### "The Big Shot" with Guy Kibbee

(RKO, July 23; time, 60 min.)

A mildly amusing program comedy, lacking box-office names. The plot is far-fetched—too silly to be taken seriously; and for the most part the action is slow. It is only in the closing scenes where there is some excitement, Guy Kibbee does what he can with the unbelievable part of the country veterinarian, who inherits from his mysterious uncle a fortune, without realizing that he had made that fortune as a gangster. The comedy is provoked by the efforts of the deceased uncle's gang to keep the facts from Kibbee, so that they could continue operating without interference from him. The situation where Kibbee and his sociallyminded wife (Cora Witherspoon) give a large party for what they imagined was the cream of society is amusing, though familiar; the "society" consisted of Hicks' henchmen and their molls. The excitement is caused by Kibbee's

connection with Frank Thomas, a fearless newspaper publisher, who was determined to rid the city of gangsters. Hicks and his gang kipnap Kibbee, Thomas, and Gordon Jones, a reporter in love with Kibbee's daughter, and take of his connection with the gang. Through a ruse, he fright-ens Hicks into releasing them. The timely arrival of the police helps him to round up the gang. Jones wins Kibbee's daughter, despite the mother's objections; she felt her daughter should marry into society.

Lawrence Pohle and Thomas Ahearn wrote the story,

and Arthur T. Horman and Bert Granot, the screen play; Edward Killy directed it. In the cast are Dorothy Moore. Dudley Clements, George Irving, and others.

Morally suitable for all. Suitability, Class A.

### "Between Two Women" with Franchot Tone, Maureen O'Sullivan and Virginia Bruce

(MGM, July 9; time, 88 min.)

A pretty good drama, set against a hospital background. The acting is superior to the story values. Because of the interesting characterizations and of the sympathy one feels for the hero and the heroine, one's interest is held throughout. People who dislike scenes of suffering may not enjoy it, for there is shown the customary routine of hospital work, with operations, loss of life, and suffering. The situation that shows an incompetent doctor starting an opera-tion on the heroine's husband against her wishes is tensely dramatic. There are occasional spurts of comedy, offering a welcome relief:

Although in love with Franchot Tone, a brilliant young surgeon at the General Hospital, Maureen O'Sullivan, a nurse, is true to her husband (Anthony Nace), a drunkard who, besides spending all her earnings, beats her. Virginia Bruce, a wealthy society girl, is brought to the hospital for an immediate operation. Tone takes care of her and gives her constant attention. They fall in love with each other and later marry. Tone, because of his excellent record, is made resident surgeon. His constant attendance being required at the hospital, he finds it difficult to keep up with his wife's social program. She resents this and they quarrel. Nace, while in a drunken stupor, meets with an accident and is brought to the hospital for an operation; he dies. Miss Bruce interprets Tone's sympathy for Miss O'Sullivan as something more than pity, and decides to run away with a young society doctor. She is caught in a train wreck and is brought to the hospital, frightfully disfigured. Tone resigns his post at the hospital in order to devote all his time to curing his wife. After months of work and assistance at plastic surgery operations, Tone is happy to find Miss Bruce completely cured. He then asks her for a divorce, telling her that they could never be happy together. He goes back to the hospital, and to Miss O'Sullivan, who is joyful at his return.

Erich Von Stroheim wrote the story, and Frederick Stephani and Marion Parsonnet, the screen play; George B. Seitz directed it. In the cast are Leonard Penn, Cliff Edwards, Janet Beecher, June Clayworth and others Not for children or adolescents. Adult fare. Class B.

### "On Again Off Again" with Bert Wheeler and Robert Woolsey

(RKO, July 9; time, 67 min.)

A typical Wheeler and Woolsey comedy, neither better nor worse than their previous pictures. As usual, it is entertainment strictly for their fans; others may be bored by their antics. RKO has given it a pretty good production and the two stars vainly try their best to do something with the mediocre material and the silly dialogue.

The story concerns Wheeler and Woolsey, two partners in a million dollar pill business, who are constantly quarreling. Their lawyer suggests a bout to end their quarrels, the loser to serve as valet to the winner for the period of one year, and to pay \$100 for each insulting remark he might make. Wheeler loses and goes to Woolsey's home as valet; this displeases Woolsey's wife (Esther Muir). The efforts of George Meeker to rob the partners of their business make them call the agreement off and go back to work. But their quarrels do not end; they continue arguing until they are both old and bent.

Nat Perrin and Benny Rubin wrote the original screen play; Edward Cline directed it, and Lee Marcus produced it. In the cast are Marjorie Lord, Patricia Wilder, Paul Harvey, Russell Hicks, and others. Suitable for all. Suitability, Class A.

#### "They Won't Forget" with Claude Rains, Gloria Dickson and Edward Norris

(First Nat'l., Date not set; time, 94 min.)

Powerful. It is a scorching indictment against prejudice and political corruption, told with conviction, and enacted with realism by an exceptionally fine cast. It is harrowing entertainment, to say the least, for it exposes man at his basest, leaving the spectator in a depressed mood. Some of the situations grip the spectator. The situation where Clinton Rosemond, a negro murder suspect, is cross-examined in court and answers in a frightened, whimpering manner, moves one to tears. One is in deep sympathy with Edward Norris, the innocent young man who is finally tried for the murder, convicted, and sentenced to die because of prejudice. How the picture will fare at the boxoffice is another matter; the masses may find it too tragic for their taste, for there is practically no comedy relief. For another thing, the ending, although logical, leaves one in the air, for the identity of the actual murderer is not disclosed. Then again it is doubtful if exhibitors in the southern states will be able to show it; it is not a pretty picture of Southerners and they may resent it.

In the development of the plot, Claude Rains, the ambitious District Attorney in a Southern city, feels that he needs one good break to put him in the public eye and send him on his way to the Governorship. When a young girl is found murdered at the business school she attended, Rains decides that this case was what he had been looking for. Goaded on by Allyn Joslyn, a vicious newspaper reporter, he arrests Edward Norris, a young Northerner, instructor at the school. Otto Kruger, a famous Northern attorney, called in by Norris' wife (Gloria Dickson) to defend her husband, realizes it is a hopeless battle, for Rains, by bringing up the issue of the hatred between North and South, had inflamed the jurors to a pitch where no counter-argument could sway them. As a result, they bring in a verdict of guilty in the first degree. The kindly Governor, feeling that an injustice had been committed, commutes the sentence to life imprisonment. This enrages the murdered girl's brothers who, together with a group of their friends, take Norris away from the authorities and lynch him. Miss Dickson visits Rains and in an outburst of her grief tells him of her contempt and hatred for him and everything he stood for.

The plot was adapted from the novel "Death in the Deep South" by Ward Greene; Robert Rossen and Aben Kandel wrote the screen play, and Mervyn LeRoy directed and produced it. In the cast are Lana Turner, Elisha Cook, Jr., Cy Kendall, and others.

Too strong for children and most adolescents. Adult fare. Class B.

### "Westbound Limited" with Lyle Talbot and Polly Rowles

(Universal, July 11; time, 65 min.)

A pretty good program railroad melodrama. It holds one's attention fairly well because of the sympathy one feels for Lyle Talbot, who had been unjustly accused of negligence in a train collision that caused many deaths. The jury had refused to believe that he had been held up, and in the fight that had followed the lever at the switch tower had been accidentally pushed back. Human interest is aroused by the friendship that develops between Talbot, who had escaped from his guards on the way to prison, and Frank Reicher, another railway agent, because in this friendship Talbot regains his faith in mankind. He is helped also by Reicher's daughter (Polly Rowles), with whom he falls in love. Talbot's actions in substituting for Reicher in his duties as railway agent, so that the dispatcher might not know that Reicher was ill, are commendable, for if he had learned about it Reicher would have been discharged, thereby losing his pension. The night agent (Henry Brandon), jealous because Miss Rowles preferred Talbot to him, accidentally finds out that Talbot was an escaped prisoner and so reports him. Although Talbot had a chance to escape he chooses to stay so as to prevent a frightful collision. The Sheriff arrives to take Talbot away; Talbot, however, having happened to notice the tattoo marks on Brandon's arm, recognizes them as those he had seen on the arm of the holdup man. Talbot naturally accuses Brandon. When cleared, Talbot proposes to Miss Rowles.

Ford Beebe wrote the story, and Maurice Geraghty, the screen play; Ford Beebe directed it, and Henry MacRae produced it. Henry Hunter is in the cast.

Suitable for all. Suitability, Class A.

#### "Wee Willie Winkie" with Shirley Temple, Victor McLaglen and June Lang

(20th Century-Fox, July 30; time, 99 min.)

Very good! Although Shirley, as usual, predominates, the producers have wisely surrounded her with capable players and have given the picture the colorful background of the Indian frontier post in the year 1897. The story has comedy, romance, and thrills, and holds one's attention throughout. The appeal, however, lies in the friendship that develops between Shirley and Victor McLaglen, a gruff Scottish sergeant, who melts under the child's charm. The scenes that show him drilling her in army discipline have been handled expertly, provoking hearty laughter. The end is exciting. June Lang and Michael Whalen handle the romantic interest, which is of slight importance:—

Shirley and her widowed mother (Miss Lang) arrive at the Scottish army post to live with Miss Lang's fatherin-law (C. Aubrey Smith), commander in charge. Smith, unaccustomed to ladies, is unintentionally gruff in his manner, leading Shirley to believe that he did not like her. Smith assigns McLaglen, a tough sergeant, to look after Shirley; her charm softens him and in time they become close friends. She derives great joy out of training under McLaglen along with the regular soldiers. When McLaglen is killed during a raid on the post by warring Arabs headed by Cesar Romero, Shirley is heartbroken. Determined to put an end to the warfare, she approaches the Chinese cook and asks him to take her to Romero, not realizing that he was a spy of Romero. He gleefully takes Shirley to Romero, suggesting that they hold her as hostage. Shirley, through her charm and lovableness, wins over Romero and brings about peace. She is happy when she learns that here mother was going to marry Michael Whalen, one of the officers.

The plot was adapted from the story by Rudyard Kipling; Ernest Pascal and Julien Josephson wrote the screen play, John Ford directed it, and Gene Markey produced it. Constance Collier and Douglas Scott are in the cast.

Good for all. Class A.

## "Saratoga" with Jean Harlow and Clark Gable

(MGM, July 23; time, 911/2 min.)

Judged solely as entertainment, this is just fair. What it will do at the box-office is another matter, for the masses will probably want to see the last picture Jean Harlow has made; and the star-studded cast will prove another attraction. The story is not particularly exciting, nor is it developed smoothly. As a matter of fact, it is quite choppy; but this might be due to the cutting needed in order to bring Miss Harlow into the picture right to the end. The few scenes in which her stand-in appears have been so cleverly handled that the public will not detect the substitution casily. Clark Gable's performance is up to par, but his part is not a particularly sympathetic one. The race in the closing scenes is extremely exciting; it holds one in suspense until the very finish, and even after the finish, for there is some doubt as to which horse had won:—

Gable, a racetrack bookmaker, is in sympathy with Lionel Barrymore, who wanted to continue operating his famous breeding stables, but is hampered by lack of cash. Barrymore's son (Jonathan Hale), being in debt to Gable, insists that he take a deed to the stables. He tells Gable that he did not want his daughter (Miss Harlow) to become connected with race-tracks, for he hoped that she would marry the wealthy society man (Walter Pidgeon), whom she had met in London. Upon Hale's death, Miss Harlow, who had been quarreling constantly with Gable, promises to pay back her father's debts in order to get the deed back. Gable offers to inveigle her wealthy suitor into betting on races, and give her a cut, but she declines. In the meantime she falls in love with Gable, but, thinking that he was in love with Una Merkel, Frank Morgan's wife, she decides to teach him a lesson. Knowing that Gable had accepted heavy bets on her horse with the expectation that Miss Merkel's horse would win because she had the best jockey, she, on the night before the race, buys from Morgan the jockey's contract with the purpose of using him to race her horse, thus hoping to ruin Gable. But as matters turn out, Miss Merkel's horse wins; and Gable makes a fortune. Pidgeon, realizing that Miss Harlow did not love him, releases her so that she might marry Gable.

Anita Loos and Robert Hopkins wrote the screen play; Jack Conway directed it, and Bernard H. Hyman produced it. Cliff Edwards and Frankie Darro are in the cast.

There is nothing morally wrong. Class A.

#### Twentieth Century-Fox

"This is My Affair," with Barbara Stanwyck, Robert Taylor, and Victor McLaglen, produced by Kenneth Mac-Gowan and directed by William A. Seiter, from a screen play by Allen Rivkin and Lamar Trotti: Very good to good.

"Angel's Holiday," with Jane Withers, Robert Kent, and Sally Blane, produced by John Stone, and directed by James Tinling, from a screen play by Frank Fenton and Lynn Root: Good to fair (mostly good).

"She Had to Eat," with Rochelle Hudson, Jack Haley, and Arthur Treacher, produced by Samuel G. Engel, and directed by Malcolm St. Clair, from a screen play by Mr. Engel himself: Fair to poor.

"Big Business," with Jed Prouty and Spring Byington, produced by Max Golden and directed by Frank R. Strayer, from a screen play by Robert Ellis and Helen Logan: Good to fair.

"Sing and Be Happy," with Anthony Martin and Leah Ray, produced by Milton H. Feld and directed by James Tinling, from a screen play by Ben Markson, Lou Breslow, and John Patrick: Good to fair.

"Slave Ship," with Warner Baxter, Wallace Beery, and Elizabeth Allan, produced by Nunnally Johnson and directed by Tay Garnett, from a screen play by Sam Hellman, Lamar Trotti and Gladys Lehman: Good (a few reports had it as very good, but also a few as fair).

"Born Reckless," with Brian Donlevy, Rochelle Hudson and Barton MacLane, produced by Milton H. Feld, and directed by Malcolm St. Clair, from a screen play by John Patrick, Robert Ellis, and Helen Logan: Fair.

"The Californian," with Ricardo Cortez, produced by Sol Lesser and directed by Gus Meins, from a screen play by Gilbert Wright: Fair.

"The Lady Escapes," with Gloria Stuart and Michael Whalen, produced by Leslie L. Landau, and directed by Eugene Forde, from a screen play by Don Ettlinger: Fair to poor.

"Wee Willie Winkie," with Shirley Temple, produced by Gene Markey and directed by John Ford, from a screen play by Ernest Pascal and Julien Josephson. From excellent to good.

Grouping these 10 pictures under their different ratings, we get the following results: Excellent to Good, 1; Very Good to Good, 1; Good to Fair, 3; Fair, 2; Fair to Poor, 2. Adding to these the 50 that have been reported in previous issues we get the following results:

Excellent, 1; Excellent to Very Good, 3; Excellent to Good, 1; Very Good, 3; Very Good to Good, 6; Good, 11; Good to Fair, 10; Fair, 13; Fair to Poor, 11; Poor, 1—all told 60 pictures.

The number of pictures this company released in the 1935-36 season were, excluding the four westerns, 53. These were rated as follows:

Excellent, 10; Very Good, 2; Very Good to Good, 2; Good, 10; Good to Fair, 7; Fair, 12; Fair to Poor, 6; Poor, 4.

The performances of the 1936-37 season's pictures are far below those of the 1935-36 season.

### THE SIT-DOWN STRIKE AGAINST PARAMOUNT

On Friday, July 23, there was a meeting of different exhibitor organizations at the Congress Hotel in Chicago.

The representatives of the different units submitted information indicating that the play-date strike against Paramount is gathering such a momentum that it is going to prove a greater success than its sponsors had ever dreamed. The reports revealed that in the strike have joined not only exhibitors who are members of the different units, but also those who are not affiliated with any organization.

At this, the second meeting of the organizations at large, it was decided that all Paramount exchanges should be picketed, along with the theatres of such exhibitors as are either violating the strike order or are refusing to heed it.

According to the reports submitted by the different representatives, an avalanche of cancellations has fallen upon the Paramount exchanges.

The failure of the exhibitors to sign 1937-38 contracts is already giving the Paramount forces no end of concern;

they realize that if four thousand theatres were to refuse to sign contracts for Paramount product, the loss to the company would exceed \$8,000,000. And this amount represents almost twice the Paramount earnings, from its films as well as its theatres.

It was brought out at the meeting that, up to August 1, every state unit was to have another meeting so as to perfect the setting up of its picketing committees.

The following zones were represented: Minneapolis, Milwaukee, Philadelphia, Pittsburgh, Boston, Indianapolis, representing the following states: Minnesota, Wisconsin, Upper Michigan, Illinois, Indiana, Pennsylvania, and the New England States.

Ohio and its three zones (Cincinnati, Cleveland and Columbus) were represented by P. (Pete) J. Wood, chairman of the general strike committee.

New Jersey, too, had a representative there.

Many territories were represented by communication, a notable one being Southern California: A lengthy telegram from Richard Poole, business manager of the Southern California organization, pledging a one hundred per cent cooperation of his organization.

It was brought out also that some of the organizations are already picketing the Paramount exchanges. Two of these organizations are Philadelphia and Minneapolis.

The New England organizations were to hold a meeting in Boston last week to endorse the strike.

A Bulletin issued by the Milwaukee Allied unit states that that zone joined the ranks of the striking organizations.

A Bulletin issued by Allied Theatre Owners of the Northwest on July 13 informed the members that a copy of the speech that was to be broadcast over the radio was to be sent to them; also copies of the banners that were to be used in front of the theatres that were to play Paramount pictures; also heralds, to be distributed to the public in big as well as small towns, and a copy of a newspaper advertisement that was to appear in Minneapolis and St. Paul dailies.

The bulletin stated that the organization was contemplating the engaging of three or four sound trucks to send them into small towns with banners appealing to the picturegoing public for support.

"In other words," the bulletin stated, "we are ready for a real fight. Don't just jerk out pictures you have booked in August. Anything you have booked on and after August 1st must come out, including newsreels, short subjects and by all means do not make weckly payments for short subjects after August 1st.

"It may be that you will have to get along without Paramount pictures for the season 1937-38. This is something beyond our control as a majority of the members of the organization insist this fight be prosecuted to its end."

If the other organizations should take this strike as seriously as the Philadelphia and the Minneapolis organizations have taken it, there is no question as to what will be the result. These two organizations have been bombarding their members with bulletins and postal cards constantly. The Philadelphia organization went so far as to have on one of these postal cards a picture of the bannered truck that is used in this fight.

Great results are expected if this fight should be won, for there will be an end to "gyping" the exhibitors by withholding pictures announced in one season and selling them the following season for harsher terms. The other companies are watching this play-date strike with great interest. Every exhibitor, no matter whether he is a member of an organization or not, should, therefore, do all he can to make this strike a success.

If your organization, no matter whether it is affiliated with Allied States or with some other body, has not yet taken steps to endorse the decisions of the Washington and the Chicago meetings, demand to know the reason. Remember that this is not a factional fight, but a fight that concerns the future of every independent exhibitor. If there is no organization in your zone, or if there is one but you are not a member of it, take individual action. This fight will be won because it has the moral backing of every independent exhibitor in the land.

Heed the call! Pull out all Paramount dates for features or shorts until such time as Paramount sees fit to undo the injustice that it has done to all independent exhibitors who have under contract pictures of the 1936-37 season.

# HARRISON'S REPORTS

#### 1270 SIXTH AVENUE Room 1812 New York, N. Y.

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Its Editorial Policy: No Problem Too Big for Its Editorial Columns, if It is to Benefit the Exhibitor.

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No. 32

### Box Office Performances of 1936-37 Season's Pictures—No. 3

This is the third article of the fourth series.

#### **United Artists**

"Woman Chases Man," with Miriam Hopkins and Joel McCrea, produced for Sam Goldwyn by George Haight and directed by John G. Blystone, from an original story by Lynn Root and Frank Fenton: Very good to poor (the reports were evenly divided in the following ratings: very good, good, good-fair, fair, and poor).

"Love from a Stranger," with Ann Harding and Basil Rathbone, produced in Great Britain by Max Schlach and directed by Rowland V. Lee, from a plot taken from the play by Frank Vosper: Fair to poor.

"Dreaming Lips," with Elizabeth Bergner, produced and directed in Great Britain by Paul Czinner: Fair to poor.

"When Thief Meets Thief," with Douglas Fairbanks, Jr., Valerie Hobson, and Alan Hale, produced in Great Britain by Marcel Hellman, and directed by Raoul Walsh, from a screen play by John Meehan: Fair.

"Disney's Academy Award Review": Good (one report had it as very good, one as fair, and one as poor).

Grouping the different grades together we get the following results:

Very Good to Poor, 1; Good, 1; Fair, 1; Fair to Poor, 2. Adding these 5 pictures to the 15 pictures that have been reported in previous issues we get the following results:

Excellent, 1; Very Good to Good, 3; Very Good to Poor, 1; Good, 6; Good to Fair, 3; Fair, 2; Fair to Poor, 3; Poor, 1—in all 20 pictures.

In the 1935-36 season this company released only 14 pictures; they were rated as follows:

Very Good, 2; Very Good to Good, 4; Good, 1; Good to Fair, 1; Fair, 3; Fair to Poor, 2; Poor, 1.

#### Universal

"As Good As Married," with John Boles, Doris Nolan and Walter Pidgeon, produced by E M. Asher and directed by Eddie Buzzell, from a screen play by F. Hugh Herbert and Lynn Starling: Good to fair.

"Oh, Doctor!" with Edward Everett Horton, produced by Edmund Grainger and directed by Ray McCarey, from a screen play by Harry Clork and Brown Holmes: Fair to poor.

"Wings Over Honolulu," with Wendy Barrie, Ray Milland and Kent Taylor, produced by E. M. Asher and directed by H. C. Potter, from a screen play by Isabel Dawn and Boyce DeGaw: Good to fair.

"The Man in Blue," with Edward Ellis, Nan Grey, and Robert Wilcox, produced by Kubec Glasmon and directed by Milton Carruth, from a screen play by Lester Cole: Fair to poor.

"The Wildcatter," with Scott Colton and Jean Rogers, produced by George Owen, and directed by Lewis D. Collins, from a screen play by Charles A. Logue: Fair to poor.

"Armored Car," with Robert Wilcox and Judith Barrett, produced by E. M. Asher, and directed by Louis R. Foster, from a screen play by Robert N. Lee and the director himself: Fair.

"Love in a Bungalow," with Nan Grey and Kent Taylor, produced by E. M. Asher and directed by Ray McCarey, from a screen play by Karen DeWolf and Austin Parker: Fair.

"I Cover the War," with John Wayne, produced by Trem Carr, and directed by Arthur Lubin, from a screen play by George Waggner: Fair.

"Westbound Limited," with Lyle Talbot and Polly

Rowles, produced by Henry McRae and directed by Ford Beebe, from a screen play by Maurice Geraghty: Fair.

"The Road Back," with Andy Devine, Barbara Reed, and Noah Beery, Jr., produced by Edmund Grainger and directed by James Whale, from a screen play by R. C. Sheriff and Charles Kenyon: Very good to good.

Grouping these 10 pictures in accordance with their rating we get the following results: Very Good to Good, 1; Good to Fair, 2; Fair, 4; Fair to Poor, 3. Adding to these the 22 pictures that have been reported in previous issues we get the following results:

Excellent, 1; Excellent to Very Good, 1; Very Good to Good, 1; Good, 2; Good to Fair, 3; Fair, 13; Fair to Poor, 11;—32 in all.

In the 1935-36 season, Universal released only 22 pictures; they were rated as follows:

Very Good, 1; Very Good to Good, 2; Fair, 8; Fair to Poor, 7; Poor, 4.

#### Warner Bros. Pictures

"Melody for Two," with James Melton and Patricia Ellis, produced by Bryan Foy and directed by Louis King, from a screen play by George Bricker, Luci Ward, and Joseph K. Watson: Fair to Poor (mostly fair).

"The Go-Getter," with George Brent, Anita Louise, and Charles Winninger, produced by Sam Bischoff, and directed by Busby Berkeley, from a screen play by Delmer Daves: Good to fair (mostly good).

"Kid Galahad," with Wayne Morris, Edward G. Robinson, Bette Davis, and Harry Carey, produced by Sam Bischoff, and directed by Michael Curtiz, from a screen play by Seton I. Miller: Very good (a few reports had it as good).

"Slim," with Pat O'Brien, Henry Fonda and Margaret Lindsay, produced by Sam Bischoff and directed by Ray Enright, from a screen play by William Wister Haines: Good (one report had it as very good, but one as fair).

"Fly Away Baby," with Glenda Farrell and Barton Mac-Lane, produced by Bryan Foy and directed by Frank MacDonald, from a screen play by Don Ryan and Kenneth Gamet: Fair to poor.

"White Bondage," with Jean Muir, Gordon Oliver and Howard Phillips, produced by Bryan Foy and directed by Nick Grinde, from a screen play by Anthony Coldewey:

"Another Dawn," with Kay Francis, Errol Flynn and Ian Hunter, produced by Harry Joe Brown, and directed by William Dieterle, from a screen play by the late Laird Doyle: Good to fair.

"The Singing Marine," with Dick Powell, Doris Weston, and Hugh Herbert, produced by Lou Edelman and directed by Ray Enright, from a screen play by Delmar Daves: Good (a few reports had it as very good but also a few as fair).

"Public Wedding," with Jane Wyman and Dick Purcell, produced by Bryan Foy and directed by Nick Grinde, from a screen play by Roy Chanslor and Houston Branch: Fair.

"Marry the Girl," with Mary Boland and Hugh Herbert, produced by Bryan Foy and directed by William McGann, from a screen play by Sig Herzig, Pat C. Flick, and Tom Reed: Fair.

Grouping the different ratings together we get the following results: Very Good, 1; Good, 2; Good to Fair, 2; Fair, 3; Fair to Poor, 2;—in all, 10 pictures. Adding to these the 16 that have been reported in previous issues we get the following results:

Very Good, 1: Very Good to Good, 3; Very Good to (Continued on last page)

#### "High, Wide and Handsome" with Irene Dunne and Randolph Scott

(Paramount, Date not set; time, 112 min.)

Produced on a large scale, this shapes up as very good mass entertainment, but not of road-show proportions, for the story is very weak. The music is delightful and is so interpolated that it becomes an important part of the picture. The colorful background of the Western Pennsylvania oil fields in the year 1859, showing the struggle of the farmers trying to save their oil properties from being gobbled up by the railroads, is the most exciting feature, and is the thing that absorbs one, over and above everything else, even the romance. What makes it exciting is the fact that the farmers had to fight against corrupt business men, who used gangster methods to thwart them and thus make them sell out at a low price. The romance is tied up in this struggle, for Randolph Scott, the leader of the farmers, sacrifices even his marriage to help win their fight; but it is through this romance that he eventually wins out. The closing scenes are thrilling:—

When their medicine wagon burns to the ground, Miss Dunne, chief performer, and her father (Raymond Walburn) are befriended by Scott and his grandmother (Elizabeth Patterson) and are invited to stay at their home, temporarily. Within a short time, Miss Dunne and Scott are madly in love with each other. On the day she was to leave he gathers up enough courage to ask her to marry him; she gladly accepts. On the wedding day, Scott's drill brings in a gusher. In the wild excitement that follows everybody forgets about the wedding festivities to rush to their homes to start drilling for oil. Powerful business interests, headed by Alan Hale, owner of the railroad, try to compel the farmers to sell out to them, first by making freight rates to the refineries prohibitive and then by damaging the machinery. Scott hits upon the idea of building pipe lines through the properties of the farmers to the refinery; and they start work; but they are stuck, for they needed just one strip of land, owned by Akim Tamiroff, owner of a saloon, to complete their line. As a price, Tamiroff demands hilltop property owned by Scott, which Scott hated to part with, because he had promised his wife to build their home on it. When she hears what he had done, she is disconsolate and runs away with a carnival. Not even this can stop Scott; he continues working day and night to get the pipe line finished within the time limit set by the bank that had advanced the money. The farmers are hindered by gangsters hired by Hale, who break the pipes at important points. Miss Dunne, upon learning of Scott's plight, gives up the chance to become a famous singer and returns to him; she brings with her all the carnival men, who help fight off the gangsters and aid in getting the pipe line finished. The joyful farmers set up a shout,

and Scott joyfully embraces his wife. Oscar Hammerstein, II, wrote the story, screen play, and lyrics, and Jerome Kern, the music; Roubel Mamoulian directed it, and Arthur Hornblow, Jr., produced it. In the cast are Dorothy Lamour, Charles Bickford, Ben Blue, William Frawley, and others.

Suitable for all. Class A.

#### "Blazing Barrier" with Frank Coghlan, Jr., and Edward Arnold, Jr.

(Monogram, July 14; time, 65 min.)

A nice little program picture; it should fit in well in double-feature programs. It has human interest, and holds one's attention, despite the rather slow pace in the first half. What makes it pleasurable is the fact that it shows the regeneration of two young boys, who had started out as hoodlums; this naturally provides edifying entertainment for young folk. And the closing scenes, in which shots of a real forest fire are used, are pretty thrilling. One is touched by the death of Edward Arnold, Jr., who sacrifices his life for his friend:

Coghlan and Arnold, petty thieves, run away from the city in order to avoid the police, who were after them. While hitch-hiking across the country, they are befriended by Irene Franklin and Guy Bates Post, two old-time vaudeville players, who give them food and money. The boys decide to join a C.C.C. camp so as to get free food and lodging. Coghlan, being tougher than Arnold, makes himself disliked by all the boys and by the officers. But in time he regrets his actions and enjoys the clean and wholesome life; this happens after he meets the Sheriff's daughter (Florine McKinney). When one of the officers is found murdered, the Sheriff's assistant decides it was Coghlan who had committed the murder, for he had heard them

quarreling. Miss McKinney rushes to warn Coghlan, who hides out in a hut. While there, he notices a farmer, who had been termed a harmless lunatic, start a forest fire. The lunatic knocks out Coghlan. The fire naturally spreads and all reserves are called out. Arnold, who knew where Coghlan was, rushes there to save him, but he is killed. He receives a military funeral. Coghlan, who had been saved by Miss McKinney, is proud of the honor paid to his pal and is determined to become a good and respected citizen.

Edwin C. Parson wrote the story and screen play; Aubrey Scotto directed it. In the cast are Herbert Corthell, Milburn Stone, and others.

Suitable for all. Class A.

#### "Meet the Boy Friend" with David Carlyle and Carol Hughes

(Republic, July 12; time, 62 min.)
A fair little program picture, shaped along familiar lines. It has some pleasant tunes, comedy, and romance, and should satisfy. There is some excitement in the closing scenes where gangsters become involved in the plot; but it all ends in a manner expected and desired by the spectator,

with the lovers reunited:-

David Carlyle, a popular radio crooner, longs for the simple life. Andrew Tombes, his manager, fearing that Carlyle would marry Gwili Andre, an actress, and thus lose his appeal, sends her to Hollywood. He then takes out a large insurance policy protecting him against the possibility of Carlyle's marrying. The insurance company assigns Carol Hughes to the job of keeping Carlyle away from women. In time they fall in love with each other. When Carlyle hears about the trick he purposely sets out to marry Miss Andre. Miss Hughes arranges with gangsters for a fake kidnapping, hoping thus to prevent Carlyle from marrying. But it turns out to be a real kidnapping. Carlyle naturally rushes to her rescue and overpowers the gangsters. They decide to marry and sing together over the radio; their listeners are most enthusiastic.

Jack Raymond and Robert Arthur wrote the story, and Bradford Ropes, the screen play; Ralph Staub directed it, and Colbert Clark produced it. In the cast are Warren Hymer, Pert Kelton, Oscar and Elmer, and others.

Suitability, Class A.

#### "Topper" with Constance Bennett, Cary Grant and Roland Young

(MGM, July 16; time, 96 min.)
A sophisticated comedy, based on a fantastic theme; although it is clever and extremely comical in spots, it is doubtful if its appeal will reach beyond class audiences. The fact that the two leading characters are dead persons, appearing as ghosts, may not appeal to some spectators, even though the action is kept at all times within the spirit of high comedy. The first half is somewhat slow; most of the action and comedy are concentrated in the second half. The scenes that show the ghosts, which become visible or invisible at will, frightening people while in their invisible state by picking up chairs, scattering papers, or driving a car without any one seeming to be at the wheel, should provoke hearty laughter. The performances are very good; and the mechanics by which the ghosts are made to appear

and disappear, have been handled with imagination.

The story tells of a gay, young, and wealthy couple (Cary Grant and Constance Bennett) who live a life of idleness but enjoy it to the fullest. While driving at a reckless speed, they crash into a tree and are killed. Their spirits rise from their bodies, and they come to the conclusion that, before they could enter heaven, they had to do one good deed. And so they pick on their old friend, Roland Young, a staid banker who was henpecked by his wife (Billie Burke); they are determined to teach him how to live and to enjoy himself. They almost drive him frantic by putting him into embarrassing positions; but he enjoys it all very much. His wife, who disapproved of his actions, causes him to leave home. While driving with the ghosts, he meets with an automobile accident and is taken to his home, where his wife nurses him. She is so happy to have him back, that she tells him she would live any sort of life he wanted. The ghosts, satisfied with their work, depart from the earth.

The plot was adapted from the novel by Thorne Smith. Jack Jevne, Eric Hatch, and Eddie Moran, wrote the screen play; Norman Z. McLeod directed it, and Hal Roach produced it, with Milton H. Bren as associate producer. In the cast are Alan Mowbray, Eugene Pallette,

Arthur Lake, and others

Morally suitable for all, although doubtful as entertainment for children. Class B.

# "Bulldog Drummond at Bay" with John Lodge, Dorothy Mackaill and Victor Jory (Republic, July 31; time, 61 min.)

This British-made melodrama is just mild program entertainment for American audiences. Not that there is any objection in this case to the accents or English background, for the story is laid in England, and the accents are in order; it is only that better pictures based on the Drummond character have been made in America. The plot is wildly melodramatic and so far-fetched that some of the situations, intended to thrill one, will prove ludicrous. The

sets are not particularly impressive:—
Drummond accidentally becomes involved with a gang of munition salesmen, who were posing as proponents of peace. They had kidnapped the inventor of an aeroplane that would prove a powerful asset to some nation in war. Drummond is tricked by Doris (Dorothy Mackaill), presumably a member of the gang, on several occasions; he finally arrives at the home of the leader of the gang, where he is captured. He and his pal (Claude Allister) are put in an air-tight room, into which poison gas was pouring. Drummond blasts his way out, and is instrumental in capturing the gang and rescuing the inventor. He then finds out that Doris was a British agent. She accepts his marriage proposal.

"Sapper" wrote the story, and James Parrish and Patric Kirwan, the screen play; Norman Lee directed it. In the cast are Hugh Miller, Leslie Perrins, Richard Bird, Brian

Buchel, and others.

Unsuitable for children. Harmless for adults. Class B.

#### "Reported Missing" with William Gargan, Jean Rogers and Dick Purcell

(Universal, Aug. 1; time, 62 min.)

A fair program melodrama. The plot is developed along familiar lines, and in some instances is far-fetched; but it should give fair satisfaction in neighborhood theatres where not much attention is paid to story detail. The second half holds one in suspense, for the identity of the criminal who had been causing aeroplane wrecks is not disclosed until the end; this is done in a dramatic way and will surprise most spectators, for the guilty person is least suspected.

The romance is pleasant:-

William Gargan, inventor of a drift indicator to be used on planes, is happy that his invention was to be used on a passenger plane being piloted by Michael Fitzmaurice, brother of the girl (Jean Rogers) he loved. Everything goes well until about twenty minutes before the plane was to land; and then it crashes, killing the pilot and all the passengers. This causes a scandal and Gargan's indicator is discarded. But similar accidents occur, and each time the wreck is discovered it is found that valuables had disappeared. Gargan is determined to clear up the matter. In company with a pal, he boards a plane that carried as a passenger a diamond dealer. And just as he had expected, the crook, who had been in hiding, shows up, wearing a mask. His method was to loot a plane, and then cause it to crash, after which he would jump to safety by means of a parachute. Gargan, in a fight with the crook, rips off his mask and to his astonishment finds that the criminal was Dick Purcell, a close friend. Purcell is shot as he tries to escape, and falls to his death. Gargan prevents the plane from crashing. The menace removed, Gargan's indicator is again tested and this time with satisfactory results. Gargan and Miss Rogers plan to marry

Verne Whitehead wrote the story, and Jerome Chodorov and Joseph Fields, the screen play; Milton Carruth directed it, and E. M. Asher produced it. In the cast are Hobart Cavanaugh, Joseph Sawyer, Billy Wane, and others.

Suitability, Class A.

#### "Exclusive" with Frances Farmer, Fred MacMurray and Charles Ruggles

(Paramount, July 30; time, 77 min.)

This lurid newspaper melodrama offers fairly exciting but not particularly pleasurable entertainment; the story is, for the most part, extremely far-fatched. What makes it distasteful is the fact that the heroine joins a corrupt newspaper organization, using underhand methods to get news. In one instance, she uncovers information about the past record of a candidate for Mayor involving a prison record; this proves so ruinous to the candidate, that he, in desperation, kills himself. Distasteful also are the actions of the gangsters, particularly in the situation where they cause a crowded elevator in a department store to fall, thereby injuring many persons. The closing scenes are thrilling but likewise unpleasant, for they show mobs taking the law into their own hands to capture the gangster leader. Ruggles' part is more serious than comical. The

comedy touches are intermittent:-

When Miss Farmer learns from her father (Ruggles) that Fred MacMurray, her sweetheart, had gone into debt to see her through college, she decides to go to work to pay back the money. She becomes a reporter on the newspaper run by Lloyd Nolan, a gangster, who had been trying to ruin the newspaper for which Ruggles and MacMurray worked; she refuses to listen to her father's pleas not to do so. Ralph Morgan, candidate for Mayor, heartbroken because of a story Miss Farmer's paper had printed about his past, kills himself. MacMurray, feeling that Miss Farmer needed a lesson, induces Ruggles to print a story calling his daughter a murderess. Infuriated, she leaves home, refusing to see MacMurray or to talk to him. Nolan, in an attempt to induce a certain department store to advertise in his paper, accuses the store of having unsafe elevators; he then has his henchmen grease the cables of one of the cars, causing it to fall, injuring many persons. Through a ruse, and with the help of his daughter, who had finally seen the light, Ruggles obtains a written confession from one of the henchmen, and prints the news about Nolan; but a gun wound he had received proves fatal. Mobs storm Nolan's plant, break up the machinery and everything else in sight, and capture him. Miss Farmer, wiser by her experiences, is reconciled with MacMurray.

John C. Moffitt wrote the story, and he, Sidney Salkow, and Rian James, the screen play; Alexander Hall directed it, and Benjamin Glazer produced it. Fay Holden, Edward H. Robbins, and others are in the cast.

Too strong for children. Adult fare. Class B.

#### "The Toast of New York" with Edward Arnold, Cary Grant, Frances Farmer, and Jack Oakie

(RKO, July 30; time, 108 min.)

Good. The picture is lacking in dramatic force; but it should prove interesting to masses because of the historical characters and the excitement of the particular era depicted. The story's weakness lies in the fact that the central character is unsympathetic; he is presented as an avaricious, unscrupulous fortune seeker. Although his actions are prompted by a desire to lavish wealth on the woman he loved, this does not soften the unpleasantness of his deeds. The character of this woman, Josie Mansfield, is a negative one; she does nothing to awaken the spectator's sympathy. There are several thrilling moments, such as the scenes at the stock exchange where Jim Fisk (Edward Arnold) tries to corner the market on gold; also those that show Fisk, with Daniel Drew, his partner in crime, carrying their loot across to New Jersey to evade government officers:

The plot revolves around the activities of Jim Fisk, who with Nick Boyd (Cary Grant) and Luke (Jack Oakie), his two companions, starts his fortune during the Civil War by smuggling cotton to the north, to be sold at exorbitant prices. After building up a fortune of \$800,000, Fisk finds that Luke had unwisely invested all the money in worthless Confederate bonds. But it does not take Fisk long to start another fortune, this time by intimidating Daniel Drew into selling him his steamship line, which he in turn sells to others, at a profit of \$500,000. It is at this point that Fisk meets pretty Josie Mansfield (Frances Farmer), an actress, and falls madly in love with her. Boyd falls in love with her, too, but suppresses his love because of his friendship with Fisk; he later learns that Josie loved him. Fisk, by preventing him from grabbing the Erie Railroad, incurs the wrath of Cornelius Vanderbilt (Clarence Kolb); Fisk does this by issuing worthless stock to the public, in which Vanderbilt invested heavily. But Fisk finally oversteps the bounds when he tries to corner the gold market, regardless of the fact that it would bring ruin to the United States. He fights a lone battle, for Boyd, who had pleaded with him to desist, breaks their partnership and battles against him. A great panic ensues and things look bad until the government releases Treasury gold to break the market. Fisk is ruined. A shot from an angry mob proves fatal; he dies in Boyd's arms, telling him to take care of Josie.

The plot was based on "Book of Daniel Drew," by Bouck White and "Robber Barons," by Matthew Josephson; Dudley Nichols, John Twist, and Joel Sayre wrote the screen play. Rowland V. Lee directed it, and Fdward Small produced it. In the cast are Donald Meek, Thelma Leeds, Billy Gilbert, and others

Suitable for all. Class A.

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Poor, ("Midsummer Night's Dream"), 1; Good, 3; Good to Fair, 6; Fair, 9; Fair to Poor, 3—all together 26 pictures.

In the 1935-36 season Warner Bros. delivered 27 pictures; they were rated as follows:

Excellent, 1; Very Good, 1; Good, 7; Good to Fair, 5; Fair, 5; Fair to Poor, 8.

The 1936-37 season's product did not perform so well as the 1935-36 season's.

### PARAMOUNT TAKING LEGAL STEPS AGAINST PLAY-DATE STRIKERS

The boycott that was to start against the Paramount exchange in Philadelphia and against all exhibitors who have disregarded the organization's decisions to pull out their August dates for Paramount features, news and shorts have been stopped by Paramount by an injunction obtained from Judge Oliver B. Dickinson, of the Federal District Court in Philadelphia.

Judge Dickinson signed a temporary order, effective until Monday, Aug. 25 at 10 a.m., at which time the defendants were to offer their objections to the court for the "blocking" of their crusade against Paramount. The hearing was postponed and the temporary order was continued to Aug. 11.

Thus Paramount has decided to fight its customers through the courts.

How far the Paramount method of stifling the protests against its unfair tactics will go remains to be seen. As far as this paper is concerned, it predicts failure. It has already received information to the effect that the Philadelphia zone exhibitors, in case Paramount succeeds in obtaining a permanent injunction, may put the entire Paramount force in "Coventry"; that is, the exhibitors will not talk to any of the Paramount representatives when they see them either in the street or anywhere else, and no exhibitor will go into the Paramount exchange. Whenever they should happen to be talking to representatives of other film companies and a Paramount salesman approaches them, they will discontinue their talk and one by one the exhibitors will leave the group.

Paramount, before succeeding to stop the play-date strike and the determination of the exhibitors to carry the fight to the public, will be compelled to obtain an injunction in every Federal District in the United States, for an injunction can be effective only in the District in which it is obtained. What will prevent the exhibitors of the next district from carrying on the fight, and appealing to the public for support? Nothing! Besides, Federal Judges in other Districts may not see eye to eye with some Federal Judge who may grant an injunction of this kind.

There is a way to stop this boycott: Paramount could send for the representatives of the organized exhibitors and discuss the matter with a view to making a compromise, for what the exhibitor leaders and the members of the rank and file are interested in is mostly to stop the film companies from resorting to "gyping" tactics year after year. The exhibitors want once and for all delivery of the pictures promised. But Paramount is not following that way; it prefers to fight its own customers in the courts. The result has been that, in the Philadelphia zone, signing contracts for Paramount pictures has stopped completely.

### FEDERAL TRADE COMMISSION ASKED TO ACT AGAINST PARAMOUNT

Mr. Abram F. Myers, General Counsel and chairman of the board of directors of Allied States Association of Motion Picture Exhibitors, has made an application to The Federal Trade Commission for a complaint against Paramount Pictures Distributing Company and Paramount Pictures, Inc., "for false and misleading advertising in connection with the leasing and distribution of motion pictures in interstate commerce."

Mr. Myers points to the fact that the Commission has recognized that false and misleading advertising by distributors to induce the signing of contracts is a violation of the Act, and submits to the Commission documentary evidence proving that Paramount did put out certain advertising to induce the exhibitors to sign contracts, but that it is now refusing to deliver the pictures so advertised. He closes his application as follows:

"The advertising being false and misleading, it is not important that the failure to deliver the pictures does not constitute a violation of the exhibition contracts. In Docket No. 2157, In re Duralith Corporation, The Federal Trade Commission issued an order against false and misleading advertising and representations that promissory notes given in payment for goods would not be negotiated, although the notes themselves recited that they were subject to discount."

Mr. Myers then offers to supply the Commission with additional information if it so desired, and submits a list of names of exhibitor leaders for verification of the statements made in the application.

In view of the fact that Mr. Myers was once chairman of The Federal Trade Commission, the exhibitors may rest assured that his application for a complaint is timely and that some results may be expected from it.

### WHAT IS DOING IN THE PLAY-DATE STRIKE AGAINST PARAMOUNT

On July 30, the Milwaukee exhibitors were to have a final meeting for the purpose of discussing final details in carrying out the play-date strike against Paramount.

The Boston exhibitors met on July 27 and voted to join the play-date strike. The cancelling of playdates was to be effective between August 15 and September 15.

The Southern California exhibitors have already joined the strike, as you no doubt know by what was said in last week's issue. The following is the telegram they sent to the meeting of organizations that took place in Chicago July 23.

"At mass meeting on July 20th unanimously voted to cooperate in strike against Paramount. Exhibitors represented at meeting already pulled dates on Paramount from August 1 to September 15 which includes Paramount Week and Committee has been formed to contact theatre owners not present at meeting as well as provide for slackers."

The Minneapolis zone exhibitor organization sent a copy of the herald that was to be distributed to public through the entire territory. The herald reads as follows:

"Support this strike against theatres playing Paramount pictures in August. The independent exhibitors have declared a strike against Paramount Pictures because Paramount's demands for the coming season threaten the closing of scores of theatres and the loss of jobs to thousands. You are vitally interested because: (1) The independent theatre owners are your neighborhood movie men like your local grocer and baker; (2) the independent exhibitors give employment to your sons and daughters; (3) Paramount, a foreign corporoation, demands what amounts to 50 per cent of every dollar you spend at our box office so they can pay their head men in New York \$12,000 a week in salary and bonus and similar fancy salaries to other executives; (4) if Paramount is successful it means the closing of scores of theatres and the loss of jobs to thousands of ushers, doormen, cashiers, janitors, etc. Don't patronize theatres playing Paramount pictures."

Trucks have already been started throughout the Minneapolis zone, in all the states covered by the Paramount Minneapolis exchange.

The bulletin that accompanied the sample herald admonished the exhibitors not to pay any attention to the Paramount salesmen's statement to the effect that the strike is not a success. "The organization," says the bulletin, "has never had such support on anything as they are receiving on this strike against Paramount's unfair tactics. The committee expects that by the time the slackers' list is published there will not be over a dozen names on it.

"Don't let any one tell you this is a local fight, as theatre owners all over the nation are jerking August dates from Paramount. Southern California at a meeting held last Monday attended by 127 men adjourned and went to the Paramount Exchange in a body and each and every man withdrew Paramount dates. In Eastern Pennsylvania over 300 theatres have canceled; Western Pennsylvania 130 houses, making over 400 dates in one state. Ohio, all of the New England states, New Jersey and Wisconsin reported similar progress. . . .

"Time of radio speech and copy of same will be sent to you before next Monday." (The bulletin was dated July 26.)

I understand that the Minnesota exhibitors are planning to appeal to the thousands of investors who bought Paramount stock and lost money to stop patronizing theatres that play Paramount pictures. This they propose to do through the radio.

Incidentally, the number of pictures Paramount has withheld is, not 6, but 11, as follows:

"Souls at Sea," "High, Wide and Handsome," "Angels,"
"Artists and Models," "Spawn of the North," "The Count
of Luxembourg," "The Barrier," 1 additional Marlene
Dietrich, 1 additional Claudette Colbert, 1 Harold Lloyd,
and 1 Gary Cooper, (which should be "What Ho," since this
is the last picture Mr. Cooper will make for Paramount,
being now under contract with Goldwyn).

#### IN TWO SECTIONS—SECTION ONE

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No. 33

#### PARAMOUNT GOES TO COURT!

And so Paramount has gone to court to enjoin the exhibitors from hurting its box office. It is the first time in the history of the industry that a producer has found the exhibitors united against it, and the first time that one has yelled for a policeman against united exhibitors.

That Paramount felt the pressure of exhibitors may be evidenced from the fact that among its counsel it had, in addition to Austen Keough and Louis Phillips, of the home office staff, Messrs. William Schnader, formerly Attorney-General of the State of Pennsylvania, and David Kauffman, former U. S. Minister to Siam, and an influential factor in Pennsylvania politics. Even Neil Agnew, general manager of Paramount, was present at the first hearing.

No one may question the right of Paramount to appeal to the courts for protection of its interests. But have its executives ever heard the adage, "You can lead a horse to water but you can't make him drink"? Evidently they have not heard of it. Can an injunction compel an exhibitor to sign a contract for the new season's product? It certainly cannot! Judge Dickinson made it clear that the temporary restraining order did not in any way interfere with an exhibitor's rights to cancel play-dates or to refuse to sign a new contract; it prevents only "inducing, coercing or compelling" other exhibitors from doing so. And even at that, Mr. Benjamin Golder, attorney for the exhibitors, tried to persuade Judge Dickinson to strike out the word "induce," on the ground that any one has the right to induce another, by peaceful means, not to do something, and the judge was in a way inclined to agree with Mr. Golder, but reserved decision until August 12, the day of the hearing.

The strike in Philadelphia is almost 100% successful. And the act of Paramount in going to court will make it much more successful, for the exhibitors there have become so embittered that they are determined to fight to the bitter end within the limitations that will be prescribed by the court. At the two mass meetings approximately \$12,000 were subscribed to carry on the fight; and the organization has been promised more if it needs it. Many of those who have contributed are not using Paramount product and some of them have not used it for years. One of such contributors, not a Paramount customer, has sent a check for three hundred dollars.

In the face of such a determination, what can Paramount do? Go to court, of course, but will that bring in contracts? And without contracts, can Paramount go to the banks to borrow money to carry on its production activities?

There is yet time for Paramount to see the light. It can settle this matter by a talk with the exhibitor leaders, and not by court action. Court action may stop the sending out of trucks, or the using of the radio in the districts where injunctions are obtained, but it cannot do so outside the jurisdiction of those districts. So in order for Paramount to put an end to such exhibitor activities, it may be compelled to obtain injunctions in every Federal District in the United States. Can Paramount make itself so riduculous?

#### THE PLAY-DATE STRIKE STATUS IN MINNEAPOLIS

On Monday, August 5, Federal Judge Gunnar H. Nordbye, of the Minneapolis District Court, signed an order against picketing of the Paramount exchange and of the theatres that were playing Paramount pictures, as well as restraining the exhibitor organization and the strike leaders from further demonstrations against Paramount pending a further hearing that was to be held August 12.

Under date of July 31, Allied Theatre Owners of the Northwest sent out the following message, headed "FINAL STRIKE BULLETIN"

"This Bulletin is timed so that you will receive it Monday morning. Over 200 theatres [Editor's Note: According to latest information, 250 theatres] in this territory have voluntarily decided to withdraw playing dates from Paramount on and after August 1 and or to withhold purchasing of any more Paramount product until a satisfactory solution is arrived at.

"Bear in mind that this is your strike. You are the ones who have been hurt by Paramount's withdrawal of pictures.

"There is no further need of this office sending out daily bulletins. Of course, if something unusual takes place you will be apprised of this immediately.

"Bear in mind that Paramount is a \$700,000,000 corporation and is not going to take this cancellation of play dates and withholding purchasing of film sitting down and doing nothing about it. Any moment we expect to be restrained from any more activities or some other unusual thing is going to take place. If you should happen to read in the trade papers that the officers and other active participants of this strike have been issued a restraining order that does not mean that the strike is over and this is no time to be bluffed or scared into giving up whatever rights you may have.

"Everything is set to start picketing Paramount Exchange Monday morning at 9:00. The Strike Committee had decided to withhold the picketing of theatres temporarily inasmuch as there are very few independent theatre owners in this territory to picket. The Strike Committee feels that these people who have not as yet joined up may see the light of day within a very short time and the Committee does not want to do anything that might have a tendency to harm the motion picture industry as a whole.

"This strike has attained such proportions that it is going to be necessary for Paraniount to either make some kind of an adjustment or resort to the Federal Courts in an attempt to protect themselves. The Federal or State Courts may issue a temporary restraining order against further activities but the restraining order will not be so wide sweeping that it will compel you to play Paramount pictures. The Courts later on might make that decision. Of course, if they do there is nothing left for us to do but reinstate contracts but this will not be done until after the participants, meaning the contract holders, will have an opportunity to explain their side of the case to either a Federal or State Court.

'If the Courts uphold Paramount and maintain they have a right to do as they please with pictures definitely sold to exhibitors there is only one thing left to do and that is make up our minds that once we sign a contract, regardless of the terms of said contract we must live up to it.

"Therefore, as a final warning, we caution all exhibitors to be mighty careful of the kind of contracts they sign at this time with any company.

"Very truly yours, "STRIKE COMMITTEE."

In previous bulletins the organization informed the members that the Paramount postal card campaign to convince the exhibitors that a number of other exhibitors had signed new contracts was not correct, as judged by the fact that these postal cards did not say what exhibitors signed such contracts. It cautioned them not to be misled by such a campaign, informing them that if a settlement were made it would be an-

nounced by the organization itself.

In a subsequent bulletin the strike committee answered the query of some exhibitors as to what was to

#### "Hideaway" with Fred Stone

(RKO, Aug. 13; time, 58 min.)

Average program fare. The story is silly and, except for a few spurts of comedy provoked by the actions of a half-wit gangster, somewhat boresome. In addition, the picture lacks box-office names of value. The character impersonated by Fred Stone, that of a lazy farmer who had never been able to do anything but sleep, is somewhat irritating. The closing scenes are fairly exciting. A romance involving

Stone's daughter and a forest ranger is mildly pleasant:

Stone, who had been living with his family on a farm belonging to a gangster who had never claimed it, worrying about the day when the gangster would claim the place, decides to shoot him if he should come. Carrol Naish, the gangster owner, arrives with his two henchmen and with a loot of \$100,000. They use assumed names and pretend that they had arrived for the shooting and wanted to board at the house. They send Stone to New York to deliver a message, making him believe it was an important business deal; but Stone gives away their whereabouts to rival gangsters, When he gets back home and tells Naish what had happened, the gangsters try to run away; but it was too late, for the rival gangsters had arrived and killed them before making their getaway. Stone unwittingly traps the gangsters; and since Naish had told him before he died where the loot was hidden, he becomes a hero by producing the money. Naish had also told him that he could keep the farm. Stone's daughter marries the forest ranger who had helped her father capture the criminals.

Melvin Levy wrote the story, and J. Robert Bren and Edmund L. Hartman, the screen play; Richard Rosson directed it, and Cliff Reid produced it. In the cast are Emma Dunn, Marjorie Lord, Bradley Page, and others.

Since the gangsters are not glorified it is suitable for all.

Suitability, Class A.

#### "Marry the Girl" with Mary Boland, Frank McHugh and Hugh Herbert

(Warner Bros., July 31; time, 67 min.)

Poor! Competent comedians such as Mary Boland, Frank McHugh, Hugh Herbert, Mischa Aucr, Alan Mowbray, and Allen Jenkins, struggle helplessly through their lines; they would have to be magicians to have put life into their parts. The story makes no sense; the characters, judged by

what they do or say, seem insane.

The story revolves around the efforts of Mary Boland to control the syndicating business of which her brother (Hugh Herbert) was the head; he was so incompetent that all the featured writers on their staff took advantage of him. To add to her troubles her niece (Carol Hughes) planned to elope with a silly Russian artist (Mischa Auer). Miss Boland finally gets her niece to the sanitarium run by Alan Mowbray, a featured writer in the concern, where she has her locked up. But things become hectic when McHugh, the managing editor, brings Auer to the place by mistake. He is successful, however, in convincing Miss Hughes that she loved him and not Auer. But this does not displease Auer, for he had made a better catch—by flattery he had succeeded in getting wealthy Miss Boland to marry him, which meant that his future would be secure.

Edward Hope wrote the story, and Sig Herzig, Pat C. Flick, and Tom Reed, the screen play; William McGann directed it, and Bryan Foy produced it. In the cast are

Hugh O'Connell, Teddy Hart, and others.

Morally suitable for all. Suitability, Class A.

#### "San Quentin" with Pat O'Brien, Ann Sheridan and Humphrey Bogart

(First Nat'l., Aug. 7; time, 691/2 min.)

Good entertainment. It is a fast-moving prison melodrama, with plentiful action. Actual shots of San Quentin Prison have been used, giving the picture an authentic flavor. What it might lack in novelty of plot is made up for by the exciting action. Some of the situations are thrilling. One such situation is that which shows two escaped convicts racing in an automobile in an attempt to get away from prison guards, who were following them; all the old tricks, such as crossing tracks just before the approach of a train, and crashing through barricades, are made use of, but they are thrilling. Mixed in with melodrama is human interest and an appealing romance:—

When Pat O'Brien, an Army Captain, takes over the job of Yard Chief of San Quentin prison, he realizes he had a tough fight on his hands in disciplining the prisoners, but he proposes to use army methods. Barton MacLane, who had expected the job, tries to make things difficult for

O'Brien. When Humphrey Bogart, brother of Ann Sheridan, the girl O'Brien loved, is brought to the prison, O'Brien tries his best to make a man of him. He obtains good results with him, until Bogart overhears the prisoners saying that his sister had given herself to O'Brien in order to gain favors for her brother. Together with Joseph Sawyer, habitual criminal, he escapes and goes to his sister's home, where he finds her with O'Brien. He shoots O'Brien, but not seriously, only to learn that he really loved her. Regretting his actions, and realizing that his escape would hurt O'Brien, who had been criticized for his methods, he goes back to the prison. A gun shot wound he had received while climbing over a wall proves fatal; he dies just as the gates were opened to admit him.

Robert Tasker and John Bright wrote the story, and Peter Milne and Humphrey Cobb, the screen play; Lloyd Bacon directed it and Sam Bischoff produced it. In the cast

are Veda Ann Borg, Joseph King, and others.
Hardly suitable for children. Good strong adult fare.

Class B.

#### "One Mile from Heaven" with Claire Trevor and Sally Blane

(20th Cent.-Fox [1937-38], Aug. 13; time, 67½ min.)

Just a mildly entertaining program picture, suitable mostly for women. It has human interest in a few situations, but it is lacking in romance and fast action. Bill Robinson livens things up with a few of his tap-dancing routines; and there is comedy, provoked by the tricks newspaper reporters play on each other. But the story is not strong enough to hold one's attention throughout:—

Claire Trevor, a newspaper reporter, who had gone to the colored section in search of a story on a false tip from a rival reporter, comes upon something that looked to her like a good lead. She notices that a colored woman (Fredi Washington) was devoted to a little white girl, insisting that the child was her own. But this does not stop Miss Trevor from investigating further. It develops that the white child was the daughter of Sally Blane, by a first marriage: her first husband, a criminal, had taken the child from her and had left her with the colored woman. After his death, Miss Blane had married a wealth society man. The story comes to light when Ralf Harolde, another criminal, who had come into possession of the story, tried to blackmail Miss Blane in return for information as to the whereabouts of her child. Through Miss Trevor's help, Miss Blane finally gets back her child. But she takes along also Miss Washington, to be near the child.

The plot was adapted from stories by Judge Ben B. Lindsey, Robin Harris, and Alfred Golden; Lou Breslow and John Patrick wrote the screen play, Alan Dwan directed it, and Sol M. Wurtzel produced it. In the cast are Douglas Fowley, John Carol, John Eldredge, and others.

The blackmail attempt makes it unsuitable for children.

Harmless for adults. Class B.

#### "Dangerous Adventure" with Rosalind Keith and Don Terry

(Columbia, Aug. 1; time, 58 min.)

An ordinary program melodrama. The plot is so familiar that one knows in advance just what is going to happen. A few fist fights "pep" up the action; and the actual scenes at a steel mill are interesting—they should, however, appeal mostly to men. One is in sympathy with the hero, but not so with the stupidly acting heroine:—

Don Terry, foreman at a steel mill, finds it difficult to turn out work because of poor machinery. He could not understand why the manager would not consent to have it repaired. But the manager was purposely trying to force the company into bankruptcy so as to buy it for himself. When Rosalind Keith, who had inherited the steel mill, arrives, Terry tries to get her to listen to reason, but she prefers to place her trust in the manager. Following instructions from the manager, inferior steel is delivered to a building contractor; this causes a serious accident. Miss Terry is sued; this finally makes her realize that she had been blind to what was going on. She gives Terry permission to go ahead and investigate. He naturally finds out about the manager's duplicity, and has him arrested. Miss Keith accepts Terry's marriage proposal, and decides to let him run the business.

Owen Francis wrote the story, and he and John V. Rathmell, the screen play; D. Ross Lederman directed it, and Wallace MacDonald produced it. In the cast are Nana Bryant, John Gallaudet, Frank C. Wilson, and others.

Suitability, Class A.

#### "Artists and Models" with Jack Benny, Ida Lupino, Richard Arlen and Gail Patrick

(Paramount [1937-38], August 12; time, 96 min.)

Good! Most of the credit for its entertaining quality must go to Jack Benny, for, despite the picture's lavishness, it is his good-natured clowning that provokes the laughs, and that induces one to see it all. The dull spots occur when the story becomes serious. Aside from this, the handsome sets are eye-filling, the music is tuneful, and the romance pleasant. Several specialty numbers have been inserted; they are —Martha Raye, singing in her characteristic style, accompanied by Louis Armstrong, by the negro trumpet player, and by colored singers and dancers; Andre Kostelanetz and his orchestra, with Connie Boswell; Russell Patterson's "Personettes," in which the dolls are made to dance and play in an orchestra, in an amusing fashion; Zudy, Anne and Zeke, of radio fame, and others:—

Ida Lupino, a professional model, heartbroken when Benny, head of an advertising agency, had told her that his millionaire client (Richard Arlen) had declined to have her pose for his silverware ads, preferring a society girl for the work, thus depriving her of the chance to be Queen of the Artists and Models Ball, decides to teach Arlen a lesson. She follows him to Miami, where, by posing as a society girl, she meets Arlen and his family. After a short time he is in love with her, as she is with him. He tells her he wanted her to be his company's model; but when he finds out about the trick, he is disgusted. He instructs Benny, however, to keep Miss Lupino as the model. On the night of the ball Arlen finds out that Miss Lupino loved him and they become reconciled. And Benny, who had almost married Miss Lupino himself, is happy he had not done so, for he had fallen in love with Gail Patrick, a wealthy society

Sig Herzig and Gene Thackrey wrote the story, and Walter DeLeon and Francis Martin, the screen play; Raoul Walsh directed it, and Lewis E. Gensler produced it. In the cast are Ben Blue, the Yacht Club Boys, and Hedda Hopper.

Sutable for all. Class A.

#### "Windjammer" with George O'Brien and Constance Worth (RKO, Aug. 6; time, 57 min.)

Just a fair program action-melodrama, less exciting than the usual George O'Brien pictures. The first half is slow; it is in the closing scenes where some thrills are concentrated. There one is held in tense suspense. Too much footage is wasted in an effort to show how gentlemanly is O'Brien. There is some comedy and a pleasant romance:—

O'Brien, an assistant district attorney, is chosen as the one person capable of serving a subpoena on Brandon Evans, an elusive millionaire, ordering him to appear before the State Investigating Committee. By a ruse he manages to get aboard Evans' yacht to serve the paper; but Evans, who was on his way to Hawaii in a race, refuses to obey orders and continues on his way, forcing O'Brien to go along and to work for his food. Miss Worth, Evans' daughter, has contempt for O'Brien. There is fog and the crew fearing disaster, desert the yacht. The yacht is rammed by a freighter and sinks. O'Brien, Miss Worth, Evans and a friend are picked up by William Hall, captain of the freighter and a gun-runner. Hall, upon learning who Evans was, plans to hold him for ransom. But O'Brien finally outwits him, getting his party away from the freighter before it blows up. They are rescued by the American Navy. Miss Worth, who had changed her mind about O'Brien, accepts his marriage proposal.

Major Raoul Haig wrote the story, and Dan Jarrett and James Gruen, the screen play; Ewing Scott directed it, and David Howard produced it. In the cast are Gavin Gordon, Stan Blystone, and others.

Suitable for all. Suitability, Class A.

#### "Stella Dallas" with Barbara Stanwyck, John Boles and Anne Shirley

(United Artists, [1937-38] Aug. 6; time, 105 min.)

A powerful, emotion-stirring, drama of mother love; although it can be termed a tear-jerker, its appeal will strike at the hearts of all who see it. Made once before by Mr. Goldwyn, in 1925, this version, with the aid of dialogue, surpasses the first one. Barbara Stanwyck is superb in the part of the mother; she plays it so naturally, with such understanding that, despite her vulgarities, one is at all times in sympathy with her. Some of the situations are

so heart-rending that spectators will not be able to hold back tears. The most powerful situation is that in which the mother visits her cultured rival and tries to make her believe that she no longer wanted her child, her purpose being to give her daughter up, thus securing her social standing and a future; it is so touching that even hardhearted men will cry. Another such situation is in the end, where the mother stands in the rain outside the grand house while her daughter was being married, watching the ceremony with a glowing expression in her face. Spectators will not forget that sight:—

Miss Stanwyck, born and bred in a mill-town amidst slovenly surroundings, meets John Boles, an office worker at the mill, and after a short courtship, during which they fall in love with each other, they marry. From newspaper items, she learns of his past—that his father had been a millionaire who, upon the loss of his fortune, had committed suicide; and that Boles had thereupon disappeared from the scene leaving his society sweetheart (Barbara O'Neil). After the marriage, Boles progresses and is overjoyed when his daughter is born. He tries his best to make of his wife a lady, but with poor results, for she loved loud clothes, and people of her own type. When Boles is promoted to the New York office, she refuses to go with him, preferring to stay with her fun-loving friends. But in time, she even gives up her friends to devote her life to her daughter (Anne Shirley), who grows up into a beautiful girl, inheriting her father's fine qualities. She lavishes all her love on the girl, who in turn worships her mother. But things come to the point where she realizes that she was standing in the way of her daughter. And so she agrees to give Boles a divorce so that he could carry his former sweetheart, now a widow and the mother of three boys; she knew they would be happy to have Anne live with them. When Anne rebels at the idea of leaving her mother, Stanwyck makes it look as if she stood in the way of her marrying Alan Hale, a vulgar drunkard, whom Anne despised. Heartbroken, Anne goes to live with her father and step-mother. She marries a wealthy young society man. While the wedding ceremony was performed, Stanwyck stood outside the house in the rain, until the policeman made her move on.

The plot was adapted from the novel by Olive Higgins Prouty. Victory Heerman and Sarah Y. Mason wrote the screen play, King Vidor directed it, and Samuel Goldwyn produced it, with Merritt Hulburd as associate producer. In the cast are Marpoire Main, Edmund Elton, George Walsott and ethors.

Walcott, and others.
Suitable for all. Class A.

#### "Souls at Sea" with Gary Cooper, George Raft, Olympe Bradna, Frances Dee, Henry Wilcoxon and Harry Carey (Paramount [1937-38], September 3; running time, 97 m.)

From a production point of view, "Souls at Sea" is outstanding; the director seems not to have cared how much money he spent in producing it, for after all it was not his own money. But from an entertaining point of view, it is far below the level even of the average big picture, for most of the doings are sadistic. In the early part of the picture, the spectator is treated with a sight that is heart-rending in the extreme: the captain of a slaver beats the chained slaves unmercifully with his whip. The tip of the whip is caught somewhere and the slaves have a chance to drag him into the hold and beat him to death. Later on, Cooper and Raft are shown hanging aloft by their hands, until Raft pleads with the Captain that he would talk; they are then lowered down. Toward the end, Cooper is shown shooting some and knocking on the knuckles of others, that they might relinquish their hold of the boat and drown, so that the women and children in the only lifeboat affoat might be saved. The killing of people for the purpose of saving others, when one finds oneself in such a dilemma, may be an admirable act,

but it is not entertainment.

The plot has been founded on an historical event of 1843, when Homes, a seaman of the William Brown, found himself in an overcrowded life boat and, bent upon saving some, killed some by either pushing them overboard or knocking their knuckles to make them relinquish their hold on the boat. In the picture, the hero is exonerated, because he was a member of the Intelligence Service, helping the Government to eradicate the flourishing slave traffic.

Grover Jones and Dale Van Emery wrote the screen play from a story by Ted Lesser. Henry Hathaway directed it. Since no sex is involved in the story, the picture is suita-

Since no sex is involved in the story, the picture is suitable for the entire family, but because it is sadistic in tone and mood it is hardly suitable for children, or even for many adolescents. Class B.

be done if the strike were not settled, by calling their attention to the resolution, which had been adopted at the mass meeting, and which stipulated that, if the strike were not settled, it would continue until such time as Paramount saw fit to deliver all the pictures that it promised to the 1936-37 season's contract holders.

The July 31 bulletin intimated that Paramount may seek injunctions even in state courts, and many exhibitors wish that Paramount would appeal to those courts, for in that way they hope that the attention of the public will be attracted to the iniquities practiced in this industry.

A confidential communication received from Minneapolic informs this paper that, on August 4th, 250 theatres in that zone stopped playing Paramount pictures, and more were joining hourly. "By the middle of September," my correspondent writes, "there will be not a theatre in this territory playing Paramount pictures with the exception of their own theatres."

He continues: "The exhibitors in this territory have definitely made up their minds to lay off Paramount forever unless a satisfactory adjustment on last season's contract is made. Somebody must be dumb in Paramount to let this thing go as far as it has. Can you picture the executives of any other company allowing things to reach this point?

"I venture to say that, in this territory, the independent exhibitors are paying about one-half of the total film rentals collected—perhaps a little more than that, and since the Paramount exchange is taking in around \$15,000 of \$16,000 a week, you can figure out for yourself what it is costing them."

It is yet time for Paramount to assume a sensible attitude in this controversy. Its executives should send for the national strike leaders to talk the matter over.

#### A REMINDER ABOUT "DRIVES"

At the national Allied convention that was held in Milwaukee the last week in May, a resolution was passed condemning all "Drives," as being inimical to the interests of the independent theatre owner. The resolution recommended that each state unit appoint a committee to advise exhibitors what to do when approached by this, that, or the other distributor for his aid in a Drive. The suggestion was made that each exhibitor refer the distributor's request to this committee for either an approval or a disapproval of the Drive.

One or two Drives are now on and Harrison's Reports reminds the exhibitors that they should not help any Drive unless their organization, or the committee on drives, has approved them. If such Drives should not be approved, all exhibitors should decline to aid them.

### THE PARAMOUNT SELLING TERMS FOR THE 1937-38 SEASON

One other complaint the exhibitors have against Paramount is its harsh selling terms. Let us see what they are:

According to *Contact*, the Philadelphia zone exhibitors' house organ, Paramount demands:

Four pictures at 35%, with an allowance of 17½% profit and thereafter a 50-50 split;

Eight pictures at 30%, with an allowance of 15% profit and then a 50-50 split;

Ten pictures at 30%, with an allowance of  $7\frac{1}{2}$ % profit and then a 50-50 split;

If any of the ten 30% pictures should not warrant their remaining at that percentage, they would be reduced to 25%.

The remainder of the pictures are to be leased either on partly percentage (at 25%) and partly flat, or all on flat rental terms.

Countering these demands, the exhibitors of Philadelphia

- (1) Delivery of all the pictures Paramount has withheld from the 1936-37 season;
- (2) A 20% reduction in the prices for 1937-38 season's pictures from the prices paid for the 1936-37 season's product;
- (3) Abandonment of the Paramount condition that it will not share in the losses when it becomes a partner of the exhibitor in the profits;

- (4) Abandonment of the condition whereby Paramount seeks the right to examine an exhibitor's books;
- (5) Adjustment of the prices paid for 1936-37 season's product, by reason of the fact that its quality was poor as compared with the exaggerated statements made about it.

In view of the fact that Paramount terms are considered by the exhibitors as extremely harsh, it seems to this paper as if Paramount is the worse boycotter of Paramount pictures.

# ABOUT THE RAISING OF THE "AVERAGE" BY FAILURE TO DELIVER LOW-ALLOCATION PICTURES

In a recent issue of HARRISON'S REPORTS an example was given as to what happens when a distributor fails to deliver a number of low-allocation pictures when the higher allocation pictures are delivered in full. It was proved that the exhibitors pay an average of 13% more for each picture than they had figured on paying when they were signing the contract.

An exhibitor-subscriber submits on the same subject certain observations, worthy of study by exhibitors. Here is his letter:

"Dear Pete Harrison,

"The writer has read with interest your comments on the practice of the major companies allocating all of their top bracket pictures regardless of the number actually delivered and, as a consistent victim of this practice, agrees with you in every respect. I would like to give you one more thought in this respect, which you may use in any manner you see fit except that I must ask you not to reveal my name.

"Here is an actual fact. If a company feels that it will not fulfill its commitment of top pictures it takes a picture out of the lower bracket to complete their higher allocation. As a consequence, not only does the exhibitor suffer a loss but the producer is misled. The distributor, allocating in this fashion, produces a tremendous gross on an inferior picture. The production department receives these grosses from their distribution department and concludes that they have produced a hit picture.

"According to the present 'yes man theory,' now applicable to all the companies, the distribution department always tells the production department that they have turned out a great picture because the producers claim it is a great picture before anyone but themselves have seen it and therefore nobody may question their decision. Now to get this vicious circle rolling the producers never really find out why a picture that was mediocre at best did a big gross and nobody cares to find out anyway. They thereupon produce more pictures along the same lines and with the same casts and the salesmen are told to demand the same terms as they charged for the previous picture, in addition, of course, to the usual number of top bracket pictures.

"If the exhibitor should complain that he did not do business with that particular picture he is told that he must be a poor showman as the picture rolled up a terrific gross for other exhibitors and that proves it was a box-office natural, and so the process goes on and on.

"And so the writer could go on and on because he feels as strongly as you do and only wants a fair and square deal but by now you are probably bored with the length of this letter but if there is anything of value for you or your paper please make free use of it."

#### SOME NEWSREELS TOO SHORT

Complaints from exhibitors to the effect that some of the newsreels are too short prompted this paper to investigate the matter and found that, in the ten-week period covered by the checkup, the average length of the newsreels has been as follows:

Fox, 975 ft.; Paramount, 825 ft.; News of the Day, 815 ft.; Universal, 725 ft.; and Pathe under 700 ft.

In view of the fact that the exhibitors are paying for 1000 feet of newsmatter, lengths below 900 ft. are an imposition upon the newsreel users.

The home offices of the newsreel companies should make an investigation of the matter to prevent direct exhibitor complaints.

### HARRISON'S REPORTS

No. 33

Vol. XIX NEW YORK, N. Y., SATURDAY, AUGUST 14, 1937

(Partial Index No. 4—Pages 106 to 128 Incl.)

Title of Pictures	Reviewed on Page	RELEASE SCHEDULE FOR FEATURES
Affairs of Cappy Ricks, The—Republic Armored Car—Universal (64 min.)		Columbia Features (729 Seventh Ave., New York, N. Y.)
Between Two Women—MGM (88 min. Big Shot, The—RKO (60 min.)		7040 Girls Can Play—Quigley-Wells. June 21 7009 The Devil is Driving—Dix-Perry. June 25 7037 A Fight to the Finish—Terry-Keith. June 30 7207 One Man Justice—Starrett (59 min.) July 1 7022 Roaring Timber—Holt-Bradley. July 4
Californian, The—20th C-Fox (58 m.) Crime in the Clouds—Warner Bros. (S Away Baby")	ee "Fly	7021 It Can't Last Forever—Bellamy-FurnessJuly 15 7038 A Dangerous Adventure—Terry-KeithAug. 1 It's All Yours—Carroll-LedererAug. 17 7025 Outlaws of the Orient—Jack HoltAug. 20
Damaged Goods—Grand National (56 Dangerous Holiday—Republic (57 min Drums of Destiny—Crescent (62 min.)	n.) 110	(End of 1936-37 Season)  First National Features
Easy Living—Paramount (87 min.) Emperor's Candlesticks, The—MGM (Empty Holsters—First Nat'l. (62 m.). Ever Since Eve—First National (79 m Exclusive—Paramount (77 min.)	89 min.) 119 Not Reviewed nin.) 110	(321 W. 44th St., New York, N. Y.)  179 Empty Holsters—Dick Foran (62 m.) July 10 162 Ever Since Eve—Davies-Montgomery July 17 166 Talent Scout—Woods-Madden July 24 163 San Quentin—O'Brien-Bogart-Sheridan Aug. 7
Fight to the Finish, A—Columbia (58 n Forlorn River—Paramount (56 m.).	Not Reviewed	165 Dance Charlie Dance—Erwin-Muir Aug. 14 159 Mr. Dodd Takes the Air—Baker-McHugh Aug. 21 158 Confession—Francis-Rathbone-Hunter Aug. 28
Girls Can Play—Columbia (60 min.). Glory Trail—Crescent (65 min.) Great Gambini, The—Paramount (69 m	114	(End of 1936-37 Season)  Gaumont-British Features
High, Wide and Handsome—Paramour Hoosier Schoolboy, The—Monogram (		(1600 Broadway, New York, N. Y.) The Two of Us—J. Hulbert-G. MaloJuly 10
I Cover the War—Universal (67 min.) It Could Happen to You—Republic (64		Where There's a Will—Will HayJuly 26 King Solomon's Mines—Hardwick-Lee-Robeson. Aug. 26 Gangway—Jessie MatthewsAugust
King Solomon's Mines—Gaumont-Brit Knight Without Armor—United Artis	t. (75½ m.) 118 ts (107 m.) 118	Dr. Syn—George ArlissSeptember The Girl Was Young—Nova PilbeamOetober
Lady Escapes, The—20th Century-Fox Lawman is Born—Republic (61 m.) Love in a Bungalow—Universal (66 n	Not Reviewed	(End of 1936-37 Season)  Beginning of 1937-38 Season  Non Stop New York—Anna Lee-John LoderSeptember
Married Before Breakfast—MGM (70 Meet the Boy Friend—Republic (62 m Midnight Madonna—Paramount (64 n Mountain Music—Paramount (77 mir	in.) 126 nin.)	Look Out For Love—A. Neagle-T. CarmanatiOctober  Grand National Features (1270 Sixth Ave., New York, N. Y.)
New Faces of 1937—RKO (99 min.)	115	139 Bank Alarm—Nagle-Hunt
On Again Off Again—RKO (67 min.) One Man Justice—Columbia (59 m.).	122 Not Reviewed	151 Mystery of the Hooded Horsemen—RitterAug. 6 131 King of the Sierras—Thunder Horse (This picture is being released also on the 1937-38 pro-
Paradise Isle—Monogram (72 min.) Public Wedding—Warner Bros. (58 r		gram under number 207) Aug. 20
Range Defenders—Republic (56 m.). Red Rope—Republic (60 min.) Reported Missing—Universal (62 min.)	Not Reviewed	(199 "Rendezvous in the Alps" has been withdrawn and placed in the 1937-38 schedule under number 209 and title "Hideout in the Alps.")
Rhythm in the Clouds—Republic (63 Riders of the Dawn—Monogram (53 r	min.) 107	(End of 1936-37 Season)  Beginning of 1937-38 Season
Riding on Air—RKO (71 min.) Road Back, The—Universal (104 min Rustlers' Valley—Paramount (59½ m	n.)	203 Sweetheart of the Navy—Linden-Parker (re- leased also in the 1936-37 Season as No. 123). June 18 202 The Shadow Strikes—LaRocque-Anders July 9
Saratoga—MGM (91½ min.) Singing Marine, The—Warner Bros. (86 min.) Super Sleuth—RKO (69 min.) Sweetheart of the Navy—Grand Nat'l.	104 min.) 111 	201 The Girl Said No—Armstrong-HerveyJuly 16 209 Hideout in the Alps—Baxter-BushellJuly 23 204 Boots of Destiny—Ken Maynard (reset)July 23 205 Small Town Boy—Erwin-ComptonJuly 30 206 Love Takes Flight—Cabot-RobertsAug. 13 207 King of the Sierras—Thunder Horse (released
Talent Scout—First Nat'l. (62 min.) They Won't Forget—First Nat'l. (94 Thirteenth Man, The—Monogram (70 Toast of New York—RKO (108 min. To-morrow's Hero—Monogram (See	min.) 123 min.) 119 .) 127	also in the 1936-37 Season as No. 131) Aug. 20 208 Trailin' Trouble—Ken Maynard Aug. 27 210 Something to Sing About—James Cagney Sept. 3
Schoolboy")  Topper—MGM (96 min.)  Two Who Dared—Grand National (72		Metro-Goldwyn-Mayer Features (1540 Broadway, New York, N. Y.) 727 Night Must Fall—Montgomery-RussellApr. 30
Wee Willie Winkie—20th Century-Fo Westbound Limited—Universal (65 n Wild Money—Paramount (68 min.)	x (99 min.) 123 nin.) 123	732 The Thirteenth Chair—Evaus-ForbesMay 7 150 Trader Horn—ReissueMay 7 731 They Gave Him a Gun—Tracy-Tone-George May 14 735 Pick a Star—Kelly-Haley
Yesterday's Hero—Mono. (See "Hoos		No release set for May 28 722 Parnell—Gable-Loy June 4

202 Hell Divers—Reissue	Twentieth Century-Fox Features  (444 W. 56th St., New York, N. Y.)  746 Slave Ship—Baxter-Allen
3650 Forlorn River—Crabbe-Martel (56 m.)July 2 3651 Wild Money—Horton-Overman-BakerJuly 9 3652 Easy Living—Arthur-Arnold-MillandJuly 16 3671 Rustler's Valley—Wm. Boyd (59½ m)July 23 3653 Exclusive—MacMurray-Farmer-RugglesJuly 30 (End of 1936-37 Season)	Dead End—Sidney-McCrea-Bogart-Barrie. Aug. 27 Prisoner of Zenda—Colman-Carroll-Astor. Sept. 3 Tom Sawyer—Kelly-Patterson-Brennan. Sept. 10 Vogues of 1938—Baxter-J. Bennett-Vinson. Sept. 17 52nd Street—Baker-Patterson-Pitts. Sept. 24
Beginning of 1937-38 Season	Universal Features
3701 Blonde Trouble—Overman-Whitney Aug. 6 3702 Artists and Models—Benny-Patrick Aug. 12 3703 She's No Lady—Dvorak-Trent Aug. 20 3753 Hopalong Rides Again—William Boyd Aug. 20 On Such a Night—Morley-Richards Aug. 27 Souls at Sea—Cooper-Raft-Dee Sept. 3 She Asked for It—Gargan-Hayward Sept. 10 Sophie Lang Goes West—Michael-Bowman. Sept. 10 Double or Nothing—Crosby-Carlisle Sept. 17 Bulldog Drummond Comes Back—Howard. Sept. 24 Angel—Marlene Dietrich Oct. 1	(1250 Sixth Ave., New York, N. Y.)  A1020 The Man in Blue—Wilcox-GreyMay 30 A1046 Smoke Tree Range—Buck Jones (59 m.). June 6 A1015 The Wildcatter—Colton-RogersJune 6 A1004 Armored Car—Wilcox-Barrett (64 m.)June 20 A1009 Love in a Bungalow—K. Taylor-N. Grey. June 27 A1016 I Cover the War—Bartley-Gaze-WayneJuly 4 A1008 Westbound Limited—Talbot-RowlesJuly 11 A1005 The Road Back—King-Summerville (re)Aug. 1 A1006 Reported Missing—Gargan-RogersAug. 8  Beginning of 1937-38 Season
Republic Features	A2050 Black Aces—Buck Jones (58 min.)Sept. 5
(1776 Broadway, New York, N. Y.) 6026 Dangerous Holiday—Hould-HopperJune 7 6337 Doomed at Sundown—Steele (55 min.)June 7 6308 Yodelin' Kid From Pine Ridge—Autry	Warner Bros. Features (321 W. 44th St., New York, N. Y.) 116 Marry the Girl—Boland-McHugh-HerbertJuly 31
(60 m.)	130 The Devil's Saddle Legion—Dick ForanAug. 14 123 Footloose Heiress—Sheridan-ReynoldsAug. 21  (End of 1936-37 Season)
6318 Range Defenders—Three Mesq. (56 m.)June 30 6018 Meet the Boy Friend—Carlyle-HughesJuly 5	SHORT SUBJECT RELEASE SCHEDULE
6338 Red Rope—Bob Steele (60 m.)	Columbia—One Reel 7860 Screen Snapshots No. 10—(8½ min.)June 4
Sea Racketeers—Heyburn-Madden-HymerAug. 9 All Over Town—Olsen-JohnsonAug. 30 The Sheik Steps Out—Navarro-LaneSept. 6	7512 The Stork Takes a Holiday—Color (7½ min.)
(This ends the Westerns but there are more features to come)  RKO Features	(9½ min.)
(1270 Sixth Ave., New York, N. Y.)  731 You Can't Beat Love—Foster-FontaineJune 25  732 New Faces of 1937—Berle-PennerJuly 2  725 On Again Off Again—Wheeler-WoolseyJuly 9  734 Super Sleuth—Oakie-Sothern-CiannelliJuly 16  735 The Big Shot—Kibbee-WitherspoonJuly 23  719 Toast of New York—Arnold-Oakie-FarmerJuly 30	(9 min.)

Columbia—Two Reels 7308 Goofs and Saddles—Stooge (17½ m.)June 14 7411 Calling all Doctors—All star (19½ m.)July 22 7412 Bury the Hatchet—All star	Beginning of 1937-38 Season  8101 Affairs of Picrre—Willie Howard (19½ m.) Aug. 6 8103 Slacks Appeal—Niela Goodelle Aug. 13 8301 Who's Crazy—Harry Gribbon Aug. 20 8102 Montague the Magnificent—Bert Lahr Aug. 27
Metro-Goldwyn-Mayer—One Reel T-511 Rocky Mountain Grandeur—Trav. (8m). June 26 W-536 Wayard Pups—Cartoons (9 min.)July 10	United Artists—One Reel 12 Modern Inventions—Mickey Mouse Net yet set (This ends the Disney releases through United Artists)
T-512 Floral Japan—Traveltalks July 24 C-591 Night 'N' Gales—Our Gang comedyJuly 24 S-565 Pigskin Champions—Peter SmithAug. 14 (More to come)	Universal—One Reel A1394 Stranger Than Fiction No. 37—(8 min.)June 21 A1282 Country Store—Meany cart. (7 min.)July 5 A1162 The Singing Bandit—Mentone (10 min.)July 7
Metro-Goldwyn-Mayer—Two Reels P-143 It May Happen to You—Crime Docsn't Pay (21 min.)	A1273 The Playful Pup—Oswald cart. (7 min.)July 12 A1395 Stranger Than Fiction No. 38—(8½ m.)July 19 A1382 Going Places with Thomas No. 38—(10 m.) July 26 A1396 Stranger Than Fiction No. 39—(9 min.)Aug. 16
Paramount—One Reel	A1283 Fireman's Picnic—Meany cart. (6 m.) Aug. 16 A1383 Going Places with Thomas No. 39 Aug. 23 A1284 Rest Resort—Meany cart. (7 m.) Aug. 23
C6-6 A Car-Tune Portrait—Color Clas. (7 m.)June 25 A6-14 The Installment Collector—Head. (9 m.)July 2 P6-12 Paramount Pictorial No. 12—(9½ m.)July 2	(End of 1936-37 Season)  Beginning of 1937-38 Season  A2384 Stranger Than Fiction No. 40—(8½ m.) Sept. 6
J6-6 Popular Science No. 6—(10 min.)July 2 R6-13 Rhythm of the Game—Sportlight (9 m.)July 9 E6-12 Lost and Foundry—Popeye (6½ m.)July 16 V6-15 Aviator Shorty—Paragraphics (9 m.)July 23	A2161 Barbecue Revue—Mentone MusicalSept. 8  Universal—Two Reels  A2684 The Indians Are Coming—Wild 4 (21 m.) July 26
T6-12 Ding Dong Doggie—Boop (6½ min.)July 23 G6-6 Schubert's Serenade—Musical rom. (8½ m.).July 23 A6-15 Night in Manhattan—Headliner (10 m.)July 30	A2685 The Leap for Life—Wild No. 5 (21 m.) Aug. 2 A2686 Death Stalks the Plains—Wild 6 (20 m.) Aug. 9 A2687 Six-Gun Law—Wild No. 7 (21 min.) Aug. 16
Ss6-6 You Came to My Rescue—S. Song (6½ m.). July 30 (End of 1936-37 Season)  Beginning of 1937-38 Season	A2688 The Gold Stampede—Wild 8 (21 m.)Aug. 23 A2689 Walls of Fire—Wild No. 9 (21 min.)Aug. 30 A2159 Hollywood Screen Test—Special (21 m.) Aug. 30
P7-1 Paramount Pictorial No. 1—(9½ min.)Aug. 6	A2690 The Circle of Doom—Wild No. 10 (21 m.) Sept. 6
L7-1 Unusual Occupations No. 1—(10 min.)Aug. 6 V7-1 Killer of the Tonto—Para. (9½ min.)Aug. 13 R7-1 Aquabats—Sportlight (9 min.)Aug. 13	Vitaphone—One Reel  2310 Alpine Grandeur—Color-Tour (10 m.)May 15  2710 Charle Vary Cook. Naveling (10 m.)May 23
A7-1 Queens of Harmony—Headliner (10 m.)Aug. 20 E7-1 I Never Change My Altitude—Popeye (6m.) Aug. 20	2710 Check Your Cash—Novelties (10 m.) May 22 2410 Dancing-Rabbits-Leather—Pic, Rev. (10 m.) May 22 2210 Clean Pastures—Mer, Melodies (8 m.) May 22
T7-1 The Candid Candidate—Boop (6 m.)Aug. 27 C7-1 Peeping Penguins—Color classicAug. 27	2610 Vitaphone Funsters—Big Time Vaud. (11m.) May 29 2515 Jack Denny—Melody Masters (10 m.) May 29
P7-2 Paramount Pictorial No. 2	2211 Uncle Tom's Bungalow—Mer. Mel. (8 m.) June 5 2311 Gateway to Africa—Mer. Mel. (10 m.) June 12
A7-2 Let's Go Latin—Headliner (10 m.)Sept. 10	2811 Porky's Building—L. Tunes (8 m.) June 19 2212 Streamlined Greta Green—Mer. Mel. (8 m.) June 19
RKO—One Reel	2411 Dogs-Milk-Oriental Rugs—Pic. Rev. (10 m.) June 19 2516 Elisco Grenet & Orch.—Mel. Mast. (10 m.) June 19
74511 Florida Cowboy—World on Parade (10m.) June 11 74312 Royal Steeds—Bill Corum (10 m.) July 2	2711 Double Talk—Novelties (10 min.)June 26 2611 Vaude-Festival—Big Time Vaud. (10 m.)June 26
74512 Workshops of Old Mexico—World on Parade (11 min.)	2213 Sweet Sioux—Mer. Melodies (8 m.)July 3 2312 Land of the Magyar—Color Adv. (10 m.)July 3
74513 Jungle Playmates—World on Parade (9m.) July 30 (End of 1936-37 Season)	2812 Porky's Super Service—L. Tunes (7 m.) July 3 2517 Lennie Hayton & Orch.—Mel Mas. (10½ m.) July 10 2412 Porky Company District Property 17
RKO—Two Reels	2412 Baby Genius-Pianos-Art—Pic. Rev. (10½m.) July 17 2214 Egghead Rides Again—Mer. Mel. (7 m.) July 17 2612 Vaudville Hits—Big Time Vaud. (11 m.) July 17
73604 Swing Fever—Headliner (19 min.)June 25 73704 Wife Insurance—Leon Errol (16 min.)July 9	2813 Porky's Bad Time Story—L. Tunes (7 m.) July 24 2518 David Mendoza & Orch.—Mel. Mas. (10m.) . July 31
73112 March of Time—(18 min.) July 9 73504 Mississippi Moods—Johnson Choir (17m.) July 23	2712 Palm Beach Knights—Novelties (11 m.)July 31 2215 Plenty of Money and You—M. Mel. (7½ m.) July 31
73406 Tramp Trouble—Edgar Kennedy (16 m.) Aug. 6 73113 March of Time—(18 min.)	2814 Porky's Railroad—L. Tunes (7 m.)
(End of 1936-37 Season)	2613 Vitaphone Broadwayites—Big Time VaudAug. 21 2218 Sunbonnet Blue—Mer. Mel. (7½ m.)Aug. 21 2713 The Lyin' Tamer—Novelties (10½ m.)Aug. 28
Twentieth Century-Fox—One Reel 7523 The Mechanical Cow—Terry-Toon (7 m.)June 25	2413 Reducing-Printing-Furs—Pic. Rev. (11 m.) Aug. 28 2216 Speaking of the Weather—Mer. Mel Not set
7524 Pink Elephants—Terry-Toon (6½ m.) July 9 7525 The Homeless Pup—Terry-Toon (6½ m.) July 23 7526 The Page Homeless Terry-Toon (6½ m.) July 23	2217 Dog Daze—Merrie Melodies
7526 The Paper Hangers—Terry-Toon (6½ m.)July 30 (End of 1936-37 Season)	(End of 1936-37 Scason)  Vitaphone—Two Reels
Beginning of 1937-38 Season 4701 Portraits of Portugal—Rd. Rom. (10 m.) Aug. 6	2031 A Musical Operation—B'way Brev. (20 m.) May 15 2005 A Day at Sante Anita—B'way Brev. (18 m.) May 22
2601 Bone Bender Parade— Adv. News Camera (10 m.)	2030 Sound Defects—B'way Brev. (22 m.)June 5 2032 Thirst Aid—Palooka (20 m.)June 12
8902 Pot Luck—Song and comedy hit       Aug. 6         8601 How To Ski—Treasure Chest       Aug. 20         8501 Trailer Life—Terry-Toon       Aug. 20	2033 The Rhythm Roundup—B'way Brev. (22 m.) June 19 2006 The Little Pioneer (Zululand)—B'way Brevities (19 m.) (rcset) July 3
Twentieth Century-Fox—Two Reels 7314 That's The Spirit—Rooncy-Timberg	2034 Newsboys' Nocturne—B'way Brev. (20 m.) July 10 2009 Flowers from the Sky—B'way Brev. (21½m.) July 24
(17½m.)	2036 Irene Bordoni—B'way Brev. (20 m.)Ang. 7 2035 Cut Out for Love—Broadway BrevitiesAug. 21
( sale) sale of station;	(End of 1936-37 Season)

#### RELEASE DAY CHART FOR ALL NEWS WEEKLIES

Pathe New	universal News	Fox News	Paromount News	Metrotone News	
(Odd) (Eve	red. Sat. Wed. m) (Even) (Odd) Rel. Rel. Rel.	Sat. Wed. (Even) (Odd) Rel. Rel.	Sat. Wed. (Odd) (Even) Rel. Rel.	Sus. Wed. (Even) (Odd) Rel. Rel.	NEWSWEEL NEW YOR
Albany Fri. 0 Tu Atlanta Mon. 2 Th Boston Fri. 0 We Buffalo Sat. 0 We Butte —	ur. 1 Mon. 2 Thur. ed. 0 Sun. 1 Thur.	1 Sat. 0 Thur. 1 1 Sun. 1 Thur. 1 1 Sun. 1 Thur. 1	Mon. 2 Thur. 1 Sat. 0 Thur. 1 Sat. 0 Wed. 0 Sun. 1 Thur. 1	Sat. 0 Wed. 0 Mon. 2 Thur. 1 Sun. 1 Wed. 0 Sat. 0 Wed. 0 Wed. 4 Sat. 3	RELEASE DA Universal 588 Saturday 589 Wednesday
Charleston	ed. 0 Sun. 1 Thur. 1 ur. 1 Sun. 1 Thur. 1	1 Sat. 0 Wed. 0 1 Sat. 0 Wed. 0	Mon. 2 Thur. 1 Sat. 0 Wed. 0 Sat. 0 Wed. 0 Fri. 0 Wed. 0 Sun. 1 Wed. 0	Mon. 2 Thur. 1 Mon. 2 Thur. 1 Sat. 0 Wed. 0 Sun. 1 Thur. 1 Sat. 0 Wed. 0 Sat. 0 Wed. 0	590 Saturday 591 Wednesday 592 Saturday 593 Wednesday 594 Saturday 595 Wednesday
Columbus — — — — — — — — — — — — — — — — — — —	i. 2 Wed. 4 Sat  i. 1 Sun. 1 Thur  i. d. 0 Sun. 1 Thur	Tues. 3 Sat. 3 Sat. 0 Thur. 1	Wed. 4 Sun. 4 Sun. 1 Fri. 2 Sat. 0 Wed. 0 Sat. 0 Wed. 0	Wed. 4 Sat. 3 Wed. 4 Sat. 3 Wed. 4 Sat. 3 Sun. 1 Thur. 1 Sat. 0 Wed. 0	596 Saturday
IndianapolisSun. 1 We	ur. 1	Sun. 1 Thur. 1 Wed. 4 Sat. 3 Sat. 0 Thur. 1 Sat. 0 Wed. 0 Sat. 0 Thur. 1 Sat. 0 Wed. 0	Sat. 0 Wed. 0 Sun. 1 Thur. 1 Sun. 1 Thur. 1 Tues. 3 Sat. 3 Mon. 2 Thur. 1 Sat. 0 Thur. 1 Sat. 0 Thur. 1 Sat. 0 Wed. 0 Sun. 1 Thur. 1	Sat. 0 Wed. 0 Mon. 2 Thur. 1 Sat. 0 Wed. 0 Wed. 4 Sat. 3 Mon. 2 Thur. 1 Sat. 0 Wed. 0 Sun. 1 Thur. 1 Sat. 0 Wed. 0 Sun. 1 Thur. 1 Sat. 0 Thur. 1	Fox Movieto 96 Saturday 97 Wednesday 98 Saturday 99 Wednesday 100 Saturday 101 Wednesday
New YorkSat. 0 We		0 Sat. 0 Wed. 0	Sat. 0 Wed. 0	Sat. 0 Wed. 0	102 Saturday 103 Wednesday
Oklahoma CityWed. 4 Sur OmahaSun. 1 Th Peoria	ur. 1 Mon. 2 Fri.	Sat. 0 Thur. 1	Sat. 0 Thur.1 Sat. 0 Thur.1	Sun. 1 Thur. 1 Sun. 1 Thur. 1	104 Saturday (End of 1936-37 S 1937-38 Sea 1 Wednesday
Philadelphia	ur. 1 Mon. 2 Thur. t. 3 Wed. 4 Sun.	1 Sat. 0 Wed. 0 4 Wed. 4 Sat. 3	Fri. 0 Wed. 0 Fri. 0 Wed. 0 Mon. 2 Sat. 3 Mon. 2 Thur. 1 Sat. 0 Thur. 1	Sat. 0 Wed. 0 Sat. 0 Wed. 0 Wed. 4 Sat. 3 Mon. 2 Thur. 1 Sat. 0 Wed. 0	2 Saturday 3 Wednesday 4 Saturday
Salt Lake City Wed. 4 Su San Antonio	m. 4 Thur. 5 Sat. Wed. 4 Sat. t. 3 Wed. 4 Sun. t. 3 Wed. 4 Sun. ed. 0 Wed. 4 Sun.	Wed. 4 Sat. 3 Wed. 0 Wed. 0	Mon. 2 Sat. 3 Sun. 1 Thur. 1 Mon. 2 Sat. 3 Mon. 2 Fri. 2 Sun. 1 Fri. 2 Sat. 0 Wed. 0	Wed. 4 Sat. 3	Paramount N 3 Saturday 4 Wednesday 5 Saturday 6 Wednesday 7 Saturday 8 Wednesday 9 Saturday 10 Wednesday
Calgary       —         Montreal       —         St. John       —         Toronto       —         Vancouver       —         Winnipeg       —	Sun. 1	Fri. 6 Tues. 6 Mon. 2 Fri. 2 Mon. 2 Fri. 2 Mon. 2 Fri. 2 Thur. 5 Tues. 6 Tues. 3 Sun. 4			10 Wednesday 11 Saturday 12 Wednesday 13 Saturday 14 Wednesday 15 Saturday
					Wetrotone

### HOW THE AGE OF A PARTICULAR NEWSWEEKLY ISSUE MAY BE COMPUTED

Suppose you desire to find out whether the exchange delivers your newsweeklies at the age you contracted for! First look at the Release Day Chart under the column of the company whose weeklies you show. You will notice that there are little numbers by the side of the days. The meaning of these numbers is as follows:

Newsweeklies are released by all the companies in New York on Saturdays and on Wednesdays. The issue of any company is one day old in New York on the day of its release, whether such day is Saturday or Wednesday.

But it takes time for a print to reach another zone. To reach Dallas, for example, it takes 4 or 3 days by train. Naturally you cannot consider a Newsweekly one day old in that zone on the day of its release in New York, when it reaches that zone four days later. The practice of each company has been to consider a Newsweekly one day old on the day of its arrival and release in a particular zone. The little number by the side of each release day in the Chart indicates how many days later than the New York Release Date a particular issue may be considered one-day old in a particular zone.

Suppose you desire to find out how old is a Saturday release of the Universal News in Portland, Oregon, Look in the Saturday Column of the Universal News in the Release Day Chart; run down the column until you reach the line opposite Portland. The day given is Wednesday, and the figure is "4." Accordingly, the Saturday issue of the Universal News, which is one day old in the New York

zone on that day, is one day old in Portland on Wednesday; that is, four days later.

Universal News No. 588 is set for release in the New York City zone on Saturday, August 14, on which day it will be one-day old, and in the Atlanta, Charlotte, Kansas City, Memphis, Minneapolis, New Orleans, Omaha, and Pittsburgh zones two days later; that is, on Monday, August 16, on which date it will be one-day old for these

Pathe News No. 85210, which is the Even Issue, will be released in the New York City zone on Wednesday, August 25, on which day it will be one-day old, and in the Dallas, Denver, New Orleans and the St. Louis zones two days later; that is, on Friday, August 27, on which day it will be one-day old for these zones.

Fox Movietone News No. 98 will be released in the New York City zone on Saturday, August 21, and in the Dallas, Denver, New Orleans and the Winnipeg zones three days later; that is, on Tuesday, August 24, on which day it will be one-day old for these zones.

Paramount News No. 6 will be released in the New York City zone on Wednesday, August 25, and in the Denver, Seattle, and the Sioux Falls zones two days later; that is, on Friday, August 27, on which day it will be one-day old for these zones.

Metrotone News 297 will be released in the New York City zone on Wednesday, August 25, on which day it will be one-day old for this zone, and in the Butte, Dallas, Denver, Los Angeles, Salt Lake City, San Antonio, San Francisco, and the Seattle zones four days later; that is, on Sunday, August 29, on which day it will be one-day old for these zones.

#### KLY RK ATES

.Aug. 1

589	Wednesday Aug. 16
590	Saturday Aug. 21
591	Wednesday Aug. 25
592	Saturday Aug. 28
593	Wednesday Sept. 1
594	Saturday Sept. 4
595	Wednesday Sept. 8
596	Saturday Sept. 11
597	Wednesday Sept. 15
	Saturday Sept. 18
599	Wednesday Sept. 22
600	Saturday Sept. 25

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97	Wednesday Aug. 18
98	Saturday Aug. 21
	Wednesday Aug. 25
00	Saturday Aug. 28
01	Wednesday Sept. 1
02	Saturday Sept. 4
	Wednesday Sept. 8
04	Saturday Sept. 11
(E	nd of 1936-37 Season)

#### ason

	Wednesday	
2	Saturday	 Sept. 18
3	Wednesday	 Sept. 22
4	Saturday	 Sept. 25

#### News

3	Saturday Aug. 14
4	Wednesday Aug. 18
5	Saturday Aug. 21
6	Wednesday Aug. 25
	SaturdayAug. 2
8	Wednesday Sept.
9	Saturday Sept. 4
0	Wednesday Sept. 8
1	Saturday Sept. 11
2	Wednesday Sept. 15
3	Saturday Sept. 18
4	Wednesday Sept. 22

. Sept. 25

n	detrotone news
294	Saturday Aug. 14
295	Wednesday Aug. 18
296	Saturday Aug. 21
297	Wednesday Aug. 25
298	Saturday Aug. 28
299	Wednesday Sept. 1
300	Saturday Sept. 4
301	Wednesday Sept. 8
302	Saturday Sept. 11
303	Wednesday . Sept. 15
(E:	nd of 1936-37 Season)
1	937-38 Sassan

200	Saturday Sept. 18	
201	Wednesday Sept. 22	
202	Saturday Sept. 25	

rathe News			
85107	Sat. (O) Aug. 14		
85208	Wed. (E) . Aug. 18		
85109	Sat. (O) Aug. 21		
85210	Wed. (E) .Aug. 25		
85111	Sat. (O) Aug. 28		
85212	Wed. (E) . Sept. 1		
85113	Sat. (O) Sept. 4		
85214	Wed. (E) .Sept. 8		
85115	Sat. (O) Sept. 11		
85216	Wed. (E) . Sept. 13		
85117	Sat. (O) Sept. 18		
85218	Wed. (E) . Sept. 22		
85119	Sat. (O) Sept. 25		

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Vol. XIX

SATURDAY, AUGUST 21, 1937

### A Study of the 1937-38 Season's Contracts — Article No. 1

Beginning this week the appearance of a series of articles interpreting the important provisions in the 1937-38 season's contracts has begun.

How much you may profit by a careful study of this series of interpretations may be evidenced by what was said of the Capra contract in the interpretation of the Columbia 1936-37 contract, printed in the issue of August 15, 1936: There was said at that time:

'The Frank Capra Productions are sold separately. The contract calls for a maximum of two, or a minimum of one:

'Since most exhibitors purchase the Columbia product to get the Capra pictures, the number of such pictures the exhibitor will get is an important factor. For this reason, HARRISON'S REPORTS suggests that, when an exhibitor buys the Capra pictures under the understanding that he will get two such pictures, he insert into the contract the following provision:

"'Distributor agrees to deliver a minimum of two Capra productions. In case Distributor failed to deliver such productions up to September 30, 1937, it agrees to deliver two such productions from the first it will produce thereafter up to September 30, 1938.'

"In this manner he will protect himself in case Columbia produced a second Capra picture late in the season and decided to withhold it from general release up to September 30, 1937, and held it for release in the 1937-38 season, for more money.

At the time I was writing this interpretation, I had no inkling that Columbia would, not only fail to deliver the second Capra picture, but withhold even "Lost Horizon."

I have no way of knowing how many exhibitors followed the aforementioned suggestion. But it was a valuable suggestion to have taken.

Perhaps Columbia would not have accepted the exhibitor's application with such a reservation. But few exhibitors would have signed their 1936-37 Columbia contracts on the terms they agreed upon if they knew that they would get no Capra pictures whatever.

Some distributors have added new provisions in their contracts. If you should read this series of articles, you will know what they are.

#### Columbia

#### SCHEDULE:

The first provision in the Columbia schedule is for minimum admission prices. A blank space is provided for the purpose. Then follow:

(A) This paragraph, dealing with "group A-4," calls for a maximum of 40 features or a minimum of 30, which "shall be generally released" in the United States during the period from September 1, 1937, to September 30, 1938, to be identified by designation numbers 8001 to 8040. Excluded from the contract by this provision are road-shows, previews, pre-releases, and Frank Capra productions.

Since this contract covers the pictures released generally during the 13 month period commencing September 1, 1937, two peculiar situations may arise:

(1) Columbia's 1936-37 contract covers pictures released generally during the 13 month period beginning September 1, 1936 and ending September 30, 1937, so that the pictures released during the entire month of September, 1937, come within the 1937-38 season's as well as the 1936-37 season's contracts. What contract holders will get the pictures released during that month? Only Columbia has the power to answer this question: Should it place on those pictures production numbers 7001 to 7040, they will go to the holders of 1936-37 season's contracts; should it put on them numbers 8001 to 8040, they will go to this season's contract holders.

- (2) The term of this season's contract, as specified in clause "SECOND (a)," is for a period of one year from the date fixed for the exhibition of the first picture, and the distributor agrees to deliver all the pictures during that one-year period. Should the first picture become deliverable under the contract on, let us say, September 15, 1937, Columbia will be required to deliver the remainder of the minimum number of pictures before September 15, 1938. How can Columbia do so if some of them should not be released until after September 15, 1938?
- (B) This paragraph deals with the western features—group "A-5," not fewer than 8, nor more than 16, to be designated by numbers 8201 to 8216.
- (C) This paragraph deals with the short subjects—group "A-6," not fewer than 52, nor more than 104, one-reel subjects, and not fewer than 13, nor more than 26, two-reel

For features and westerns, the schedule has blank spaces for the insertion of (1) the classifications, (2) the number of pictures in each classification, (3) the number of days each picture is to run, (4) the rental or minimum guarantee, (5) the designation of preferred playing time, (6) the score charge per day, and (7) "Special Terms," (an expression which undoubtedly refers to percentage terms).

Shorts must be paid for in equal weekly installments, regardless of whether any shorts are played in any one week or not.

DESIGNATION: According to this provision, the li-cense fees are not "average" license fees, and Columbia is not under an obligation to make an adjustment of the prices should it fail to deliver a number of the low-allocation features, thus raising your "average." Suppose you bought 12 pictures of the 40 at, say, \$50 minimum guarantee (with percentage), 8 pictures at \$30 minimum (with percentage), and 20 at \$15 flat: the total guaranteed price would be \$1,140. This makes the "average" of each of your pictures \$28.50. But suppose Columbia delivered only 10 of the 20 flat-rental pictures: the combined total amount you would have to pay to Columbia (exclusive of the distributor's percentage share of the gross receipts) would be \$990, but your "average" would be \$33, instead of \$28.50.

RE-APPLICATION: Columbia reserves the right to apply the rental terms of any picture to any other picture, provided it does not increase the total number of pictures in any one classification. To take advantage of this right of re-application, Columbia must notify the exhibitor about the picture affected not later than the day it sends notice of that picture's availability.

Since the schedule does not specify which pictures will be in each classification (in fact it gives no idea whatever of what any of the pictures will be), there can be no occasion for transferring a picture from one classification to another. Consequently, the entire clause relating to the right of reapplication is meaningless, and therefore unnecessary

Instead of the foregoing clause, there should have been a simple provision to the effect that Columbia has the right to designate the classification of each picture at or before the time it mails the notice of its availability.

PLAYING ARRANGEMENT: Features, westerns, and shorts are to be "played and/or payed for" at a fixed number per week or month, as agreed upon with the salesman and as specified in the contract by filling in the blank spaces for that purpose.

Under the same provision (in very small type) Columbia reserves the right to increase your percentage terms in case you should change from a single feature to a double feature policy, or vice-versa, after your contract has been approved.

"Blonde Trouble" with Eleanore Whitney and Johnny Downs

(Paramount, [1937-38] August 6; time, 66 min.) This remake of "June Moon" is just mild program entertainment; its chances at the box office are rather slim, for none of the performers have any drawing power. Since the first version was made in 1931, many pictures of a similar nature have been produced, thereby reducing the freshness of this one. A few musical numbers have been interpolated but, because they lack the tuneful quality of hit

songs, they are not of much help. No one does anything to awaken more than mild sympathy.

The story tells of the aspirations of Johnny Downs, a young lyric writer, to become famous. He arrives in New York with a letter of introduction to William Demarest, a song-writer who had only one hit to his credit. As soon as Demarest's wife (Helen Flint) and her sister (Terry Walker) hear that Downs had some money, they induce him to take them to night clubs by telling him it was necessary for him to meet people. Eleanore Whitney, who had become acquainted with Downs, is heartbroken at his neglect of her. In the meantime Downs and Demarest write a song and submit it to Lynne Overman, a music publisher. Overman wanted to get rid of Miss Walker, with whom he had had an affair, and thinking that she had become interested in Downs buys the song with no intention of publishing it; he keeps paying royalties to Downs so that he could keep Miss Walker amused. Eventually everything comes to light and Downs prepares to go back home. But he is stopped in time, for the song, which had been played over the radio, had caught the public's fancy. Downs is offered a Hollywood contract at \$500 a week, which he joyfully accepts. He induces Miss Whitney to marry him, and they set off together for a happy life.

The plot was adapted from the play by Ring Lardner and

George S. Kaufman. Lillie Hayward wrote the screen play, and George Archainbaud directed it. In the cast are Benny

Baker, John Patterson, El Brendel, and others.

### and Rita Johnson

(MGM, July 30; time, 671/2 min.)

A pretty good murder mystery melodrama of program grade. In spite of the fact that the plot is far-fetched, one's attention is held throughout because the identity of the murderer is cleverly concealed. There are thrills in the closing scenes where the murderer, in an attempt to escape, kidnaps the heroine to protect him from the police. The London background, with its fogs, adds considerably to the mystification. The action is somewhat slow in the beginning, but as the story develops it becomes more exciting.

The romance is pleasant:-

A certain neighborhood in London is terrorized by the strange disappearance of two men who, as it developed, were presumably blackmailed and then killed by a strange man who had carried an umbrella each time he attacked his victims. Virginia Field, barmaid at a pub, and Eddie Quillan, her sweetheart, who had accidentally come in contact with the killer, are murdered by him. George Murphy, a newspaper reporter, becomes interested in the case. When the life of Rita Johnson, daughter of wealthy Montagu Love, is threatened, Murphy pleads with Love to follow his bidding. The revealing of the murderer's identity shocks everyone, for he was none other than Love's esteemed secretary. His first two supposed victims had never existed; they had been disguises he had used, his purpose being so to frighten Love that, when he sent him a letter demanding money to spare his daughter's life, he would willingly pay. Murphy foils the secretary's attempts to kidnap Miss Johnson, who, having fallen in love with Murphy, is happy when he proposes.

Will Scott wrote the story, and George Oppenheimer, the screen play; William Thiele directed it, and Sam Zimbalist produced it. In the cast are Leo G. Carroll, George Zucco,

and others

Unsuitable for children. Adult fare. Class B.

#### "It Can't Last Forever" with Ralph Bellamy and Betty Furness

Columbia, July 15; time, 66 min.)

A fairly diverting program picture for those who pay little attention to story development. On the debit side is an unbelievable story; on the credit, pretty fast action, some comical dialogue, and a pleasant romance. The story lacks human appeal because the leading characters are unsympathetic;—the hero sets out to fool the public by means of the radio in order to further his financial earnings. Naturally, when he gets into trouble, one is not touched by his plight.

Bellamy and his partner (Robert Armstrong), bookers for vaudeville acts, feel that they have a potential gold-mine in Raymond Walburn, a brokendown hard-drinking actor, who termed himself "The Master Mind." Bellamy frames a diamond robbery, his purpose being to hide the diamond and then have Walburn solve the mystery by telling the police where it was. But at the last minute Walburn gets drunk and is unable to meet the police and the reporters. Bellamy then decides to go through with the trick by himself, posing as the master mind. The diamond is naturally found, and every one is impressed but Miss Furness, a hard-boiled reporter. Bellamy receives lucrative radio contracts and becomes a sensation. He is amazed when the District Attorney's office informs him that various persons who had been writing to him for financial advice had been duped. Upon investigation, he finds out that Walburn had been selling the letters to a notorious gangster (Ed Pawley), who had sold spurious stock to the writers. Through a ruse, Bellamy traps Pawley and turns him over to the police. He then decides to give up his radio work, and sail for South America with Miss Furness as his wife, there to start anew.

Lee Loeb and Harold Buchman wrote the story and screen play; Hamilton MacFadden directed it, and Harry L. Decker produced it. In the cast are Thurston Hall,

Wade Boteler, and others.

Unsuitable for children. Harmless for adults. Class B.

#### "It's All Yours" with Francis Lederer, Madeleine Carroll and Mischa Auer

(Columbia, August 17; time, 80 min.)

A fairly entertaining comedy. It is in the acting and not in the trite story that the picture achieves distinction. Particularly good is Mischa Auer. As a matter of fact, he completely overshadows Francis Lederer. Auer plays the part of an impoverished, fortune-hunting baron with such good humor and understanding that he makes one sympathize with him. Needless to say his actions provoke hearty laughter at times; as for instance, in the situation where he demonstrates to Miss Carroll the art of bull-fighting. Miss Carroll plays her part with charm and with just the right touch of levity; one is at all times in sympathy with her

Playboy Lederer is shocked to find, upon his uncle's death, that he had been completely cut off in his will, the entire fortune going to Miss Carroll, his uncle's faithful secretary. Miss Carroll, who loved Lederer, did not want to take the money; but she decides that, before turning the fortune over to him, she would make a real man of him. By pretending to go in for extreme extravagances, she annoys Lederer to the point where he accepts a job as her secretary so as to keep an eye on the fortune. He was planning to break the will on a technicality and did not want her to dissipate the money. Miss Carroll arouses Lederer's anger when she goes out frequently with Auer, a fortune-hunter. Lederer, who had finally awakened to the fact that he loved Miss Carroll, prevents her from marrying Auer, and marries her himself instead.

Adelaide Heilbron wrote the story, and Mary C. McCall, Jr., the screen play; Elliott Nugent directed it, and William Perlberg produced it.

Morally suitable for all. Class A.

#### "Footloose Heiress" with Craig Reynolds and Ann Sheridan

(Warner Bros., August 21; time, 59 min.)
Just mild program entertainment. The story is familiar; and it lacks novelty of treatment. For its laughs, it depends on the shop-worn idea of the young hero who tames the impetuous heroine. In this case it is not particularly funny. There's little human appeal, for the actions of the heroine are such as to annoy one. The hero is a likeable character; but one feels he was wasting his time trying to subdue the

heroine. Everything ends just as one expected:—
Craig Reynolds, a hobo, helps Hugh O'Connell, wealthy head of an advertising agency, to stop his daughter (Ann Sheridan) from marrying a ne'er-do-well. Reynolds pretends that she was already married to him. Infuriated, she is determined to elude Reynolds and marry the man of her choice. Reynolds surprises O'Connell by offering his suggestions for his advertising work. It develops that Reynolds was no hobo but a blue-blood, son of a famous advertising man. He joins forces with O'Connell in making his firm famous. Miss Sheridan finally succumbs, admitting her love for Reynolds.

Robertson White wrote the original screen play; William Clemens directed it, and Bryan Foy produced it. In the cast are Anne Nagel, William Hopper, and Teddy Hart.

Suitability, Class A.

#### "Love Under Fire" with Loretta Young and Don Ameche

(20th Century-Fox [1937-38] August 20; time, 75 min.)
Only fair, but it may draw fairly well, because of the popularity of the stars. The story is silly, illogical, and even tiresome. And there is nothing that the stars can do about it for, despite their hard efforts, the picture falls flat. It is a hodge-podge of romance, comedy, and melodrama, with a touch of music to enliven things. Borrah Minevitch and his gang of harmonica players have been literally dragged into the story; but their playing and antics prove fairly amusing. The background is war-torn Spain:

Don Ameche, of Scotland Yard, while vacationing in Spain, meets Loretta Young and falls in love with her. When he receives a call from his chief telling him that Miss Young was wanted for the theft of a pearl necklace, Ameche is shocked but resolves to take her back to London. When he makes his identity known to Miss Young, she pleads with him for mercy, on the ground that she was innocent, but he is adamant. While the revolution is on, Ameche makes arrangements with the British Consul for a plane. Miss Young attempts to escape, with the help of Harold Huber, a revolutionist; but she does not succeed. She becomes involved in the theft of a valuable diamond necklace which was wanted by the government, and which was taken out of the country by Frances Drake, an agent. Miss Drake, by turning over a paste imitation of the necklace to the authorities, secures their release, and they all sail for home aboard a British freighter. By this time, Ameche realizes that Miss Young had been the victim of her scheming employer, who had tried to collect insurance on an imitation pearl necklace by accusing Miss Young of its theft. He marries Miss Young aboard the ship, and promises to clear her name upon their arrival in London.

The plot was adapted from a play by Walter Hackett; Gene Fowler, Allen Rivkin, and Ernest Pascal wrote the screen play; George Marshall directed it, and Nunnally Johnson produced it. In the cast are Sig Rumann, John Carradine, Katherine DeMille, Walter Catlett, and E. E. Clive.

Suitability, Class A.

#### "You Can't Have Everything" with Alice Faye, Don Ameche and the Ritz Brothers

(20th Century-Fox [1937-38] Aug. 6; time 98½ min.) Twentieth Century-Fox has a "winner" in this. It is peppy, comical, and tuneful; and, although it lacks a substantial plot, it should go over big with the masses. The Ritz Brothers are more amusing than ever; what they do and say should make audiences howl with laughter. As a matter of fact, they actually "steal" the picture. The way Alice Faye, Tony Martin, and Don Ameche sing the various popular tunes should please audiences and should make the songs popular. The production is up to the customary standard set by this company for musicals of

this type. The romance is pleasant:-

Miss Faye, hungry and broke, goes into a restaurant, orders a meal, and then tells the manager to arrest her because she had no money. Don Ameche, a drunken customer, suggests that he pay her bill but she refuses. Instead, she offers to sing, and then to carry through the rain a signboard advertising the restaurant. Ameche, attracted by her ability as a singer as well as by her beauty, follows her through the rain. She tells him that she was a writer of serious plays and that she hoped to accomplish great things. Since she had contempt for playwrights of light material, Ameche refrains from informing her that he was the author of several successful musical comedies, but he influences Charles Winninger, his producer, to buy Miss Faye's serious drama, even though he knew it was bad. Miss Faye is thrilled, and upon meeting Ameche in Winninger's office she agrees to go out with him. She finds out who he was through Louise Hovick, Ameche's jealous girl friend, who warns her to keep away from him. Winninger, who needed a good singer, pleads with Miss Faye to accept the leading part in Ameche's new musical just to help him along; she agrees. But on the opening night, after having accepted Ameche's marriage proposal, she overhears Miss Hovick claim him as her husband and runs away, going back home. In order to bring her back, Ameche and Winninger hit upon the idea of producing her play as a musical. Their plan works, All are happy when they discover that Ameche had never married Miss Hovick.

Gregory Ratoff wrote the story, and Harry Tugend, Jack Yellen, and Karl Tumberg, the screen play; Norman Taurog directed it, and Laurence Schwab produced it. Rubinoff, Arthur Treacher and others are in the cast.

Suitability, Class A.

#### "Dance Charlie Dance" with Stuart Erwin, Jean Muir and Glenda Farrell

(First National, August 14; time, 63 min.)
Fair program entertainment. When this was first produced in 1928 under the title "The Butter and Egg Man," it was good entertainment and did well at the box office; but the story idea, although still amusing, is not as novel today as it was then. Another fault is the overabundance of dialogue; there are long stretches where the characters remain in one room and keep on talking without a letup. There are, however, several situations that provoke laughter. The situation where Allen Jenkins and Charles Foy try to induce Stuart Erwin, a country hick, to invest his inheritance in their show, by giving him a rough idea of the plot, is pretty comical. The closing scenes are the best; there Erwin turns the tables by playing on Jenkins and Foy the same trick that they had played on him:

Erwin, who believed one could make millions by producing a play, decides to invest his \$20,000 inheritance with Jenkins and Foy, two "shoe-string" producers, so as to make enough money to buy the hotel in his home town. He did not know that the play they were producing was a After a quarrel with them, Erwin buys out their shares for \$10,000. But in order to get the money to pay them, he, by employing their tactics, induces another country hick to invest the money with him. The play opens in New York, and is so bad that the critics, thinking it was a comedy, praise it accordingly; it is pronounced a "hit." Erwin, much to the sorrow of Jean Muir, his secretary, who loved him, decides to stay in show business. But when he receives a call from a lawyer who demanded two-thirds of the receipts on behalf of his client, from whom the story had been stolen, Erwin decides to pull a fast trick. He sells the play back to Jenkins and Foy, for \$100,000, and does not tell them about Richards until the money is in his hands. He asks Miss Muir to marry him and go back to the small town, where they could run the hotel; she accepts.

The plot was adapted from the play by George S. Kaufman. Crane Wilbur and William Jacobs wrote the screen play, Frank MacDonald directed it, and Bryan Foy produced it. In the cast are Chester Clute, and others.

Suitability, Class A.

#### "Mr. Dodd Takes the Air" with Kenny Baker and Jane Wyman

(First National, August 21; time, 85 min.)

A mildly entertaining program comedy with music. It is not a particularly auspicious start for Kenny Baker, the radio crooner; his voice is good, but he is not given much chance, for his part is insipid. Baker's fans are those most lkely to enjoy this since he sings several popular numbers. The comedy on occasion is pretty good. The most entertaining scenes are those that show Alice Brady, a temperamental opera singer, stalking into a room filled with guests and deriding them for their bad manners. Otherwise, the story

proceeds in the routine manner: Baker, a small town boy, who had been called to New York by a mattress manufacturer to sing on his radio program because he felt that his deep baritone voice could lull listeners to sleep, undergoes a throat operation before his radio debut. When he starts to sing, he finds, to his amazement, that the operation had changed his voice from baritone to tenor. His sponsor discharges him, and Baker prepares to go back to his home town with his manager (Frank McHugh). But when telegrams begin to be received in praise of Baker's voice, the president of the radio company offers Baker a \$1,000 a week contract, which he joyfully accepts. He does not realize that he owed most of his success to Jane Wyman, who had not only encouraged him but had helped him get the high salary. Gertrude Michael, a gold-digger, sets out to fleece Baker; she is joined in this effort by Miss Brady, a temperamental opera singer, who becomes her rival. But it is Miss Wyman Baker really loves; that is, until he hears that she had patented his radio invention under her own name. In order to get rid of Miss Michael, he pretends that he had lost his voice, gives up his radio work, and goes back home. But Miss Wyman follows him; she tells him she loved him and that she had patented the invention so as to prevent scheming Miss Michael from getting it; they are reconciled.

Clarence B. Kelland wrote the story, and William W. Haines and Elaine Ryan, the screen play; Alfred E. Green directed it, and Mervyn LeRoy produced it. In the cast are

John Eldredge, Henry O'Neill, and others.

"Dead End," powerful drama but possibly weak at box office. "The Life of Emil Zola," great picture, as entertainment as well as a money-maker. Reviews next week.

RUN: If you contracted for a second or subsequent run so as to take advantage of the publicity given the pictures in a prior-run theatre, you must accept and play any picture before its prior run, should Columbia so decide.

#### MAIN CONTRACT:

SECOND CLAUSE (a) and (b): The contract runs for one year from the day fixed for the showing of the first picture, and, unless Columbia delivers the minimum number of features during that one-year period, a contract-holder is not under obligation to accept any more, and may claim damages for all pictures under 30 that may be delivered during that period. The damages for the distributor's failure to deliver any picture is the rental price of that picture. This is the amount of damages also for any picture the exhibitor refuses to exhibit.

Should the exhibitor receive a damaged print, he must notify the exchange immediately after the first showing of the film, and must confirm this notice, in writing, on the same day. Otherwise he is held liable for the damage.

THIRD: Payment either of the flat-rental, or of the minimum guarantee for each picture, must be made at least three days before the print is shipped by the distributor.

FOURTH (b): When a picture plays for three consecutive days in a theatre located in the exchange territory from which the exhibitor is served, at admission prices usually charged by such theatre, the picture is considered as having been "generally released" in that territory. Consequently, reference to a picture's "general release" does not mean a "national release," but a release only in the exchange territory from which the exhibitor is served.

TENTH: Until Columbia notifies the exhibitor in writing that it has approved the application (and the application cannot be approved in any other way), such application does not become binding, and the exhibitor has the right to withdraw it at any time; and unless the Home Office of the company approves such application within fifteen days, if the theatre is located east of the Mississippi River, or within thirty days, if located west of the Mississippi, the application is considered as not having been accepted by the distributor, and as having been withdrawn by the exhibitor.

ELEVENTH: The agreement is complete and does not take into consideration any oral promises or representations made to the exhibitor by the distributor's representatives. If the exhibitor should accept promises other than those contained in the contract, he will have no right to compel the performance of them. He should be careful not to attempt to justify the holding over of a film on the ground of promises by the salesman. Should he do so, he may be sued for violation of the Copyright Act. When the salesman makes any promises to you, tell him to put them into the contract!

TWELFTH: The contract cannot be assigned by the exhibitor unless he sells his theatre; in that case he may assign it to the purchaser provided the purchaser agrees, in writing, to assume all the obligations of the exhibitor under the contract. Even then, the exhibitor is not released unless the distributor agrees, in writing, to release him. Should an exhibitor wish to sell his theatre, he should procure such a release from Columbia at the time he delivers to Columbia the purchaser's assumption of the obligations under the contract.

FOURTEENTH: If the exhibitor cannot play some of the licensed pictures for causes beyond his direct control, and so notifies Columbia, in writing, the contract is deemed terminated with respect to those pictures, and the exhibitor incurs no liability. The same is true with respect to the distributor, when he fails to deliver some of the pictures.

EIGHTEENTH: This clause deals with the road-showing of some of the pictures. It is, however, meaningless and unnecessary, since the pictures licensed are not described in the contract and become available only after they have been "generally released"—a fact which gives Columbia the right to do anything it pleases with any of its pictures before announcing that they have been released generally. Consequently, the provision that gives the right to the exhibitor to cancel one picture for each picture Columbia roadshows becomes also meaningless.

The only provision that has any meaning is the one that defines what a road-show is. And even this definition, since it is only academic, constitutes just so much surplusage.

TWENTIETH: If the admission prices set forth in the schedule are reduced, the distributor has the right to ter-

minate the contract, or to reduce the clearance by 50%, or to modify the run and to postpone the available date of each picture by 60 days.

TWENTY-FIRST: If the exhibitor breaches any other Columbia contract, it constitutes a breach also of this contract.

TWENTY-SECOND: The distributor has the right to ship the films to the exhibitor C.O.D., and may add to the C.O.D. the amount of any other indebtedness, under this or any other agreement.

TWENTY-THIRD: The distributor's portion of the box office receipts on percentage pictures, and all receipts necessary to pay the license fees of flat-rental pictures not paid for in advance, are trust funds for the benefit of the distributor, and must be kept in a separate fund.

The contract does not contain either a 10% cancellation provision, or an arbitration clause. Harrison's Reports suggests, therefore, that, before signing an application for a Columbia contract, you insist upon having these provisions incorporated in the contract. It can be accomplished by attaching to each copy of the application a rider, signed by the exhibitor and the salesman, containing the terms of the aforementioned provisions.

On a separate contract, Columbia is selling four Frank Capra reissues. They are "Lady For a Day," "It Happened One Night," "Broadway Bill," and "Mr. Deeds Goes to Town."

On still another contract, reserved entirely for the one picture, is "FRANK CAPRA'S GREATEST ACHIEVEMENT"—"LOST HORIZON"—which, as many of you no doubt remember, thousands of exhibitors expected to show last season because they had signed contracts with Columbia calling for one or two Frank Capra productions.

The only Frank Capra picture made last season was "Lost Horizon," but since it was roadshown rather than released generally, the exhibitors were left with only their contract—a long sheet of paper, on which were Frank Capra's picture, the words "Lost Horizon," and thousands of additional words, the sum total of which meant nothing, and brought the exhibitors no Capra picture.

If you intend to contract for "Lost Horizon" again, you should gather all available information as to how it has performed at the box office, so that you may be enabled to determine exactly how much you should pay for it. Read how it has performed at the box office in the check up that will be printed in HARRISON'S REPORTS.

#### THE PLAY-DATE STRIKE

The unity the exhibitors are showing in the Paramount play-date strike is inspiring. In the Minneapolis zone, some of those who joined the play-date strike may be compelled to shut down their theatres for good, unless the strike should be settled within sixty days. And yet they have not wavered; they are standing firm, determined to "do or die."

When have the exhibitors shown better spirit?

The strike situation is as follows: In Philadelphia, Judge Dickerson requested that both sides submit briefs before Wednesday, August 18.

In Minneapolis, the hearing, which had been postponed, is to be held on Thursday, August 19.

A bulletin issued by the Minnesota organization on August 9 states that more than 3,000 theatres in the United States have joined the strike, that any injunction obtained by Paramount in the Minneapolis district court will not halt the strike, that an injunction against the activities of the organization's officers will tend to solidify the strike, that no exhibitor should become frightened by stories emanating from Paramount because Paramount must settle the strike and settle it soon yet the members should not depend on a settlement but should make provision for their play-dates regardless of what Paramount will do, that this is not a strike of August duration but a permanent protest against Paramount's unfair sales policies, that Paramount is 'panicky,'' that the Paramount exchange in Minneapolis looks like a morgue, that if picketing of the exchange is enjoined the strike will go on just the same.

The bulletin closes as follows: "Be courteous to Paramount salesmen and employees as they are innocent victims but be definite and use the brains that God gave you and everything will be all right."

Yes! Every exhibitor should put into good use the brains that God has given him!

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#### ARRISON'S EPOR

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#### 1270 SIXTH AVENUE Room 1812 New York, N. Y.

A Motion Picture Reviewing Service Devoted Chiefly to the Interests of the Exhibitors Harrison's Reports, Inc., Publisher

P. S. HARRISON, Editor

Established July 1, 1919

Circle 7-4622

### Its Editorial Policy: No Problem Too Big for Its Editorial Columns, if It is to Benefit the Exhibitor.

Vol. XIX

A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING SATURDAY, AUGUST 28, 1937

No. 35

### A Study of the 1937-38 Season's Contracts — Article No. 2

#### **METRO-GOLDWYN-MAYER**

SCHEDULE:

The Metro contract calls for a maximum of 52 features, or a minimum of 44, to be released generally in the United States during the year beginning September 1, 1937, and ending August 31, 1938. Excluded from the contract are road-shows, try-outs, previews and pre-releases.

For features, the schedule has blank spaces for the insertion of (1) the classifications, (2) the number of pictures in each classification, (3) the number of days each picture is to run, (4) the flat rental or the minimum guarantee, (5) the percentage terms, and (6) the designation of preferred playing time.

Since the blank space provided for the insertion of a score charge relates to percentage pictures only, it is apparent that no score charge will be made on flat rental pictures. Unless Metro has boosted the price of flat rental pictures, this is an improvement over its contract of last season when most exhibitors were compelled to pay a score charge on flat rental as well as percentage pictures.

A blank space is provided for the insertion of the number of features offered and the number of features licensed. In view of the fact that the 10% cancellation clause (paragraph "twenty-eight") provides that it may be exercised by the exhibitor only if he has licensed all the features offered, these blank spaces should be filled in with the exact number of pictures. (In connection with this provision, you should read carefully what is said in the discussion of the cancellation clause.)

Blank spaces are provided for the insertion of admission prices the exhibitor charges.

The features are to be played and/or payed for at a fixed number per week or month; blank spaces are reserved, to be filled in at the time the exhibitor signs the contract, after an agreement with the salesman as to the number.

Provision is made for a license fee for trailers, indicating that Metro will insist that its trailers be bought with the features.

Then follows a schedule of 94 short subjects, for which Metro exacts a definite amount of money each week, regardless of the frequency with which the exhibitor plays these shorts.

The schedule provides also for 4 feature re-issues and for 4 short subject re-issues.

#### MAIN CONTRACT:

SECOND CLAUSE (a): The distributor must designate the classification of each picture at least 14 days before the day exhibition of that picture is to begin. Its failure to do so indicates that the picture has been automatically placed into the last or lowest classification.

(b) If an exhibitor should, under his 10% cancellation privilege, cancel one of the pictures after the distributor has designated it to a particular classfication, the distributor has the right to put another picture in its place, on the same terms and on the same play-dates as those of the picture cancelled.

FOURTH: The distributor has the right to extend the first run of any picture for any length of time, and, when this right is exercised, the availability of the picture to the subsequent run exhibitor is accordingly postponed.

FIFTH: If you contracted for a second or any subsequent run so as to take advantage of the publicity given the pictures in a prior-run theatre, you agree to play a picture, even if it had not had a prior run.

SIXTH: If, during the contract-year, Metro should fail to release the full number of short subjects, the contract is deemed to cover only those released. In other words, although the schedule provides for 94 short subjects, you have no redress if only half of them, or even fewer than half, should be released.

NINTH: Payment either of the flat-rental price, or of the minimum sum guaranteed for each picture, must be made at least three days prior to the day the distributor is to ship the print.

The distributor may refuse to deliver a film until all amounts due him on all contracts are paid; the distributor may add these other amounts to the C.O.D. charge for the film, or it may attach a C.O.D. for the other amounts, even if the film that is to be shipped had been paid for in full.

ELEVENTH: Should the distributor violate the "clearance and run" provisions, the contract is not terminated. In such an event, all the damages the contract holder may recover are limited to the rental price of the pictures involved.

THIRTEENTH: If the exhibitor has the right to play a picture for, let us say, three days, and he books it for only two days, he has no right to change his mind later and either hold the picture for three days, or bring it back for an additional day, unless he first obtains the distributor's written consent.

FOURTEENTH: If the exhibitor reduces the admission prices set forth in the schedule, the distributor has the right (a) to modify the run, availability, and clearance of the undelivered pictures, (b) to terminate the contract as to those pictures, and (c) to terminate, at its option, all other exhibition contracts with the exhibitor.

NINETEENTH: The contract cannot be assigned by the exhibitor without first obtaining the distributor's written consent; but such consent, even when given, does not release the exhibitor unless the distributor agrees, in writing, to release him. An exhibitor wishing to sell his theatre should first try to procure such a release from the distributor.

TWENTIETH: The MGM contract contains an optional arbitration provision. Harrison's Reports again recommends that each exhibitor make this arbitration provision part of the contract by signing his name on the line provided for that purpose, at the end of the schedule. This is not the compulsory arbitration provision about which exhibitors complained for many years, and which was eventually declared by Judge Thacher invalid. Arbitration, when voluntarily entered into, is the most efficient, expedient, and inexpensive way of settling disputes; and it leaves no scars.

TWENTY-FOURTH (a): If the exhibitor is unable, for causes beyond his direct control, to show some of the licensed pictures and so notifies the distributor promptly, the contract is deemed terminated with respect to those pictures. In such an event, the exhibitor is free of liability.

(b) If the distributor should, for causes beyond its direct control "or by reason of delays in production," fail either to deliver or to release generally some of the licensed pictures within the contract-period, such failure of performance is excused, and the exhibitor waives all right to collect damages.

Last season's contract excused the distributor's failure to deliver pictures only if it were the result of causes beyond the control of the distributor; this season the distributor is excused also for failure to deliver pictures "by

#### "Dead End" with Sylvia Sidney, Joel McCrea and Humphrey Bogart

United Artists [1937-38] August 27; time, 93 min.) This thought-provoking drama of the pernicious influence of slum life on young boys is an artistic triumph; but it is sombre entertainment, to say the least. The slum background, with its squalor and filth, and the bedraggled appearance of its inhabitants, puts and keeps one in a depressed state of mind. In adapting it from the stage to the screen, the producers have kept the play almost intactthat is, they have confined the action, as in the play, to practically one set. The story conveys a note of futility, and does not attempt to offer a solution for the problem involved. There are several tensely dramatic situations, and other situations that move one to tears. Comedy is provoked by the talk and actions of the young slum boys, who live in a world of their own. The action takes place on a

dead-end slum street, facing the East River:-

Sylvia Sidney, unhappy because she was too poor to take her brother (Billy Halop) out of the slum block in which they lived, and which was making a hoodlum of him, discusses her problems with Joel McCrea, who, too, was forced to live on the same block, despite his college degree as an architect, because he could not find work. She loves him but he, although admiring her, is infatuated with Wendy Barrie, a kept woman with whom he had become acquainted, and who lived in a fashionable house near the river, the rear of which faced the dead end street. To the slum block comes Humphrey Bogart, a notorious gangster, who had once lived on the block; he had a yearning to see his mother as well as his former sweetheart (Claire Trevor). McCrea, the only one to recognize him, knows that the police wanted him. Bogart is disgusted when his mother denounces him as a murderer, and when he finds out that Miss Trevor had become a cheap prostitute, and had contracted a disease. McCrea notices Bogart teaching the boys how to use a knife and warns him to leave the block. In the meantime, Billy gets into trouble for having stabbed Minor Watson, a wealthy tenant in the fashionable house who had tried to hold him for having beaten up his son. Billy hides, while Miss Sidney prepared to run away with him. In a quarrel with Bogart, who had been making plans to kidnap Watson's son, McCrea kills him; this makes him eligible for a large reward. He comes to the realiza-tion that he loved Miss Sidney; he tells her to give Billy up and that, with the reward money he was to receive, he would get a good lawyer to defend him, and then start life anew, away from the slums.

The plot was adapted from the play by Sidney Kingsley; Lillian Hellman wrote the screen play; William Wyler directed it, and Samuel Goldwyn produced it. In the cast are Allen Jenkins, Marjorie Main, Esther Dale, Huntz Hall, Bobby Jordon, Gabriel Dell, and others.

Hardly suitable for all children and for many adolescents. Adult fare. Class B. (Suitable mostly for big rather than small towns.)

#### "She's No Lady" with Ann Dvorak and John Trent

(Paramount [1937-38] August 20; time, 61 min.) Just one of those lower-bracket program pictures that offer mild entertainment and slim chances at the box office. It is best suited for the second half of a double-feature program. As a crook melodrama, it is neither exciting nor novel; and its light comedy touches fall somewhat flat. Another defect is that the audience is led to believe that both the hero and the heroine are crooks, when, in reality, they are insurance company investigators, a fact which is not divulged until the end. By that time, one is not very

interested in what happens to them:

Ann Dvorak, Harry Beresford, and Guinn Williams plan to steal a valuable diamond necklace at a swanky social affair to be given that night. Miss Dvorak, who had met John Trent and believed him to be a wealthy society man, goes to the party with him. Beresford steals the necklace and turns it over to Miss Dvorak, who leaves with Trent. But Trent turns the tables by stealing Miss Dvorak's purse, thinking that the necklace was in it. It eventually turns out that Miss Dvorak and Trent, unknown to each other, were insurance company investigators, whose mission was to trap Beresford and Williams. Each is happy that the other was not a crook, for they had fallen in love.

James Edward Grant wrote the story, and George Bruce and Frank Partos, the screen play; Charles Vidor directed it, and B. P. Schulberg produced it. In the cast are Aileen Pringle and Arthur Hoyt.

Not for children. Harmless for adults, Class B.

#### "Confession" with Kay Francis, Basil Rathbone, Ian Hunter and Jane Bryan

(First National, August 28; time, 851/2 min.)

This somewhat hackneyed drama of mother love offers only mild entertainment. It should appeal mostly to women. The action is slow; and the story, for the most part, unpleasant. There is no comedy to relieve the depressive and restless mood that overtakes the spectator. Miss Francis' performance is good, and one feels sympathy for

her; but her make-up as a cafe singer is coarse. Jane Bryan, an eighteen year old student of music, is fascinated by middle-aged Basil Rathbone, a famous musician, who had practically forced his attentions on her. Unknown to her mother, she goes with him one night to a cafe. Just as he kissed her, a spotlight is thrown on them and Miss Francis, the cafe singer, recognizes him; she faints. Rathbone tries to hurry Miss Bryan out of the place, but he is stopped by Miss Francis, who had recovered; she shoots and kills him. At the trial she refuses to talk; but when an attempt is made to uncover her past, she tells the Judge that if he would clear the courtroom she would tell all: At the height of her career as an opera singer, she had retired to marry Ian Hunter, an Army officer. Rathbone, composer and conductor, had pleaded with her not to do so because he loved her; but she, knowing of his promiscuity, laughed. She was happy, particularly after her child was born. During the war, lonesome because of her husband's prolonged absence at the front. she had gone to a ball where she met all her old friends, including Rathbone. While in a dizzy state because of too many drinks, Rathbone offered to take her home, but instead he kept her at his apartment. When she awoke the next morning, she was horrified, and rushed home. When her husband returned, she didn't have the heart to tell him. Rathbone kept sending her letters. In an effort to stop him, she went to his apartment to tell him to leave her alone. Her husband had followed her and, naturally believing the worst, had divorced her. She sunk to the level of a cafe singer, but had never given up the search for her child. She at last found her. Since the girl believed her stepmother to be her real mother, she decided not to claim her; but when she saw that the girl Rathbone had kissed was her own daughter, she became frantic and killed him. The judge, after hearing her story, sentences her to a short term in prison. Her relationship to Miss Bryan is not revealed.

Hans Rameau wrote the original screen play; Joe May directed it, and Henry Blanke produced it. In the cast are

Donald Crisp, Mary Maguire, and others.

Unsuitable for children or adolescents. Class B. (It should perform at the box office well, because of the mother-love theme and of Miss Francis.)

#### "Flight From Glory" with Chester Morris and Whitney Bourne

(RKO, Aug. 20; time, 66½ min.)

A depressing program melodrama. The actions of the different characters are at times so unpleasant that one loses interest in their affairs. Occosional spurts of comedy, provoked by Solly Ward, help to enliven the proceedings somewhat, but on the whole it is pretty dull. Nor does the background help any, for the action takes place amid dismal surroundings. The unpleasantness is caused by the inhuman acts of Onslow Stevens in compelling aviators working for his company to use dilapidated planes, causing the death of several men. Even the romance has its unpleasant touch:—

Van Heflin, whose aviator license had been taken from him because of an accident brought about by his drunkenness while flying a plane, accepts an offer from a South American company to fly supplies to their mines. He arrives with his young wife (Whitney Bourne), hoping that he could reestablish himself. But his hopes change to despair when he finds the spot desolate, the accommodations crude, and old crates for planes. He becomes so demoralized that he takes to drink. Chester Morris, one of the flyers, having fallen in love with Miss Bourne, tries for her sake to help Heflin, but to no avail. He pleads with Stevens to release him, but Stevens refuses. A young flyer, substituting for Heflin, who was drunk, crashes and is killed. Heflin, in a drunken fit, forces Stevens to go up in a plane with him. He then jumps to his death, leaving Stevens to crash into a mountain. Miss Bourne who was in love with Morris, induces him to start life anew with her.

Robert Andrews wrote the story, and David Silverstein, the screen play; Mr. Silverstein directed it, and Robert F. Sisk produced it. In the cast are Paul Guilfoyle, Lee

Patrick, and others Unsuitable for children. Class B. "Think Fast, Mr. Moto" with Peter Lorre, Virginia Field and Thomas Beck

(20th Century-Fox [1937-38] August 27; time, 66 min.) A fair murder mystery melodrama. Peter Lorre plays the part of Mr. Moto, the Japanese detective. There is mild excitement in some of the action. Romance and mild

comedy have been worked into the story:-

Lorre, disguised as a Persian rug dealer, enters the San Francisco art shop owned by Sig Rumann, in the Chinatown district, where he pretends to be a diamond smuggler. There he finds a dead man; but when Rumann becomes suspicious a fight ensues and Lorre escapes. He books passage on a steamer bound for Shangahi. He meets Thomas Beck, young son of the president of the ship company, who was on his way to work at the Shanghai office. Another passenger is Virginia Field, a mysterious young woman with whom Beck falls in love. Lorre discovers a steward, going through Beck's papers; in a fight with Rogers, Lorre throws him overboard. Once in Shanghai, Lorre goes about trying to locate the smugglers. His investigations bring him in contact again with Beck; it seems as if Miss Field had run away when the boat landed and Beck was determined to find her. Beck receives a mysterious note telling him that Miss Field was an entertainer at a cafe; he goes there with Lorre and Murray Kinnell, his father's Shanghai manager. Lorre knows that the cafe was the hideout for the smugglers. In an exciting encounter with the gang, Lorre finally rounds them up and proves that the two leaders were Rumann and Kinnell. Miss Field, after explaining her position to Beck, is reunited with him. His work done, Lorre goes back to his real business, for detective work was to him a sideline.

J. P. Marquand wrote the story, and Howard Ellis Smith and Norman Foster, the screen play; Norman Foster directed it, and Sol M. Wurtzel produced it. In the cast are

Lotus Long, George Cooper, and others.

Unsuitable for children. Good for adults. Class B.

"Love Takes Flight" with Bruce Cabot, Beverly Roberts and Astrid Allwyn

(Grand National, [1937-38] August 13; time, 70 min.) A moderately entertaining program melodrama. It lacks human appeal because of the egotistical character of the hero, whose self-absorption, first as an aviator, and later as an actor, becomes tiresome. There is nothing unusual either in the story or in its development; and the acting is rather stilted. Only in the closing scenes is it fairly exciting; there the heroine, who had taken off on a solo flight to Manila, loses her course during a storm. And in these scenes the hero displays some character: fearing for the heroine's safety he had hidden in the plane and then made his presence known when she needed him. After guiding the ship to its destination, he bails out by means of a parachute, so that Miss Roberts might get all the credit. They are eventually reconciled.

Ann Morrison Chapin wrote the story, and Lionel Houser and Mervin Houser, the screen play; Conrad Nagel directed it, and Ben Pivar produced it. In the cast are John Sheehan, Gordon Elliot, and others.

Morally suitable for all. Suitability, Class A.

#### "The Life of Emile Zola" with Paul Muni

(Warner Bros., [1937-38] October 2; time 116 min.)

A dignified, powerful, and at times stirring historical drama, brilliantly directed, and superbly acted by Paul Muni, as Zola, the great French writer. The producers have made no concession to the masses by inserting romance; they stuck to the lofty ideal of presenting a drama in the interest of truth and justice. Although its strongest appeal should be to class audiences, it should be played by every exhibitor because of the prestige it will bring to his theatre. There are spots that are slow, owing to lengthy conversations and to lack of action; but at the close one remembers only the brilliance of the dialogue and the message the picture conveys. In presenting the case of Capt. Dreyfus, the producer wisely avoided stressing the racial question.

The story tells of the early struggles of Emile Zola, a liberal writer, who incurred the wrath of the French public officials because of his articles against corruption and injustice. Zola was inspired to write his first great novel after his conversation with a prostitute, who had told him her life's story. More novels followed, bringing Zola wealth, and with the years marriage, pcace, and happiness. When Capt. Dreyfus (Joseph Schildkraut) was arrested for treason, Zola showed little interest in the case, for he felt that the man was guilty. Dreyfus, although innocent, was tried, convicted, and sent to Devil's Island. Mme. Dreyfus

(Gale Sondergaard), remembering Zola's younger days when he fought for truth and justice, pleaded with him to help her husband. Zola was annoyed; he had reached a position in life where fighting no longer appealed to him. But when he read the documentary evidence Mme. Dreyfus had collected, proving her husband's innocence, he was so incensed that he published a booklet accusing the Army and the Government of having knowingly condemned an innocent man. He was arrested and tried for his utterances; but the outcome was known in advance, for the entire trial had been a farce. Zola was found guilty and sentenced to prison. His friends induced him to run away to London, there to continue his campaign to free Drcyfus. And in time he succeeded. With the installation of a new War Minister, the facts came to light—the guilty army officer was named, and Dreyfus was freed and given back his rank in the Army. Every one was shocked and downcast when word was brought to them of Zola's accidental death, caused by escaping fumes from the stove in the room where he had been writing.

Heinz Herald and Geza Herczeg wrote the story, and Norman Reilly Raine. Heinz Herald, and Geza Herczeg, the screen play; William Dieterle directed it, and Henry Blanke produced it. In the cast are Gloria Holder, Donald Crisp, Erin O'Brien-Moore, Henry O'Neill, and others.

Class A.

#### "Walter Wanger's Vogues of 1938" with Joan Bennett and Warner Baxter

(United Artists [1937-38] September 17; time, 108 min.)

If proof was ever needed that something more than color and a lavish background is needed to make a picture entertaining, "Vogues of 1938" is such proof. It is just a glorified fashion show, the kind that will bore men, and that should appeal to those women who are clothes-crazy. It is true that the color in some of the scenes is beautiful (although on several occasions the coloring is blurred), that the sets are magnificent, and that the display of gowns is lavish, but take away the color and there is nothing left—that is, nothing but a plot with no substance, with neither human interest nor an appealing romance. Only on one or two occasions does one have the feeling of being entertained instead of just looking at a grand advertisement for different famous fashion designers; it is when Mischa Auer appears.

The story deals with the trials and tribulations which Warner Baxter goes through in trying to run his famous dressmaking establishment and at the same time in catering to the whims of his wife (Helen Vinson), who wanted to be an actress. Joan Bennett, an impoverished debutante, who had jilted her millionaire fiance (Alan Mowbray) on their wedding day, begs Baxter to engage her as a model; he agrees to this. Miss Bennett reveals to him that she loved him, but although he was attracted to her he loved his wife, and so he tells her. Mowbray, in order to get even with Baxter, opens a dressmaking establishment in competition with Baxter, using Mischa Auer, a Russian prince, as the head designer. Baxter, who had lost all his money backing a play in which his wife was to star, and which had "flopped," is compelled to close his establishment. Just when things looked the darkest, he hits upon the novel idea of putting on a fall fashion show by using the scenery of the closed play, with entertainers in addition to his models. The scheme works and Baxter is re-established; and since he, by a ruse, had caused the failure of Auer's business, he once more reigns supreme. To his joy, he finds that his wife had divorced him, and that he was free to marry Miss Bennett, whom he loved.

Bella and Samuel Spewack wrote the original screen play; Irving Cummings directed it, and Walter Wanger produced it. In the cast are Jerome Cowan, Alma Kruger, Marjorie Gateson, and others.

Morally suitable for all. Class A.

### "Small Town Boy" with Stuart Erwin and Joyce Compton

(Grand National [1937-38] July 30; time, 60½ min.)

Mildly amusing program fare. The story is far-fetched, and follows the familiar pattern of the small-town timid soul who eventually rebels. If it weren't for Stuart Erwin's performance, it would be mediocre cntertainment; and it is only because of the sympathy one feels for him that one remains at all interested in what is happening.

Manuel Konroff wrote the story, and Glenn Tryon wrote the screen play and directed it; Zion Myers produced it. In the cast are Jed Prouty, Dorothy Appleby, and others.

Snitability, Class A.

reason of delays in production." By merely delaying production the distributor may accomplish a breach of the contract with impunity.

TWENTY-SIXTH: The agreement is complete and does not take into consideration any oral promises or representations made to the exhibitor by the distributor's representatives. (Editor's Note: What was said about a similar provision in the Columbia contract is applicable here. Be sure that all promises made by the salesman are put into the contract.)

TWENTY-SEVENTH: This clause provides for the manner of computing the amount to be paid by the exhibitor for pictures booked on a percentage basis. It should be noted that the clause has a provision making the distributor's share of the receipts trust funds.

TWENTY-EIGHTH: Ten per cent cancellation clause. This clause provides that if the exhibitor should contract for all the features offered, and should not be in any default with respect to the contract for the features, he will have the right to cancel 10% of them.

In computing the number of pictures that may be so cancelled, fractions of ½ or more are regarded as one. For instance, if you are offered 45 features and you contract for that number, you may cancel 10% of 45 pictures, or 4½ pictures, which means 5 pictures. Since Metro is offering a minimum of 44 pictures or a maximum of 52, you should, if you should buy the entire program, insert into the schedule's blank spaces the number "52" as the number of features offered and as the number of features licensed. Should Metro then deliver only 44, which is the minimum number that must be delivered, you will have the right to cancel 5 pictures, instead of only 4.

The re-issues are excluded from the operation of the cancellation provisions.

To exercise the right of cancellation with respect to any picture, the exhibitor must give written notice to the distributor, of his election to do so, not later than 14 days prior to the available date of that picture. This requirement seems at first glance to nullify the effectiveness of the cancellation right almost completely. The notice of the available date for a picture must be sent by the distributor at least 15 days before the date specified in the notice as the available date (clause SIXTEENTH); notice of the election to exclude a picture under the 10% cancellation clause must be sent by the exhibitor at least 14 days before the available date (clause TWENTY-EIGHTH). The result is that, after receiving notice of the available date of any picture, the exhibitor may have, or will have, less than twenty-four hours in which to cancel it.

As a matter of fact, he may not be able to cancel it at all. For instance: Notice of availability is mailed, say, on December 1, fixing December 16 as the available date. The notice is received by the exhibitor on December 2. Before midnight of that day, he must mail his notice of cancellation in order to meet the requirement that it be mailed at least 14 days before the availability date, December 16. Now, if December 1 should be a Saturday, the exhibitor will receive the notice of availability not on December 2, a Sunday, but on December 3, Monday, only 13 days before the availability date. He is thus deprived of his right to cancel that picture.

Harrison's Reports suggests that exhibitors, to save their cancellation right under this clause, give notice of cancellation as soon as they determine what picture they wish to cancel, without waiting for the distributor's notice of the available date of that picture. The notice may be worded as follows:

"In accordance with clause TWENTY-EIGHTH of my license agreement, I hereby notify you of my election to exclude from the agreement the motion picture entitled

"It will, therefore, be unnecessary for you to send me notice of the available date of this picture."

The only dependable way of giving this notice is by either registered mail or telegram.

On the whole, however, this cancellation clause is the simplest, fairest, and most understandable clause covering a 10% cancellation privilege that I have seen in any exhibition contract. If the contract holder were only given a little more time within which to send his cancellation notice, the clause would be in all respects perfect.

TWENTY-NINTH: When a picture plays for 3 consecutive days in any theater in the United States, at ad-

missions prices usually charged by such theatre, the picture is considered as having been released generally.

THIRTIETH: After defining the meaning of a road-show, this clause provides for the following:

- (1) Not more than 4 of the features licensed may be roadshown in any exchange territory, except in the New York and in the Los Angeles territories, where there is no limitation.
- (2) Even though it is not roadshown in the exchange territory out of which the contract holder is served, a picture is not available to that contract holder until it has completed its road-showing in all other territores.
- (3) The distributor has the right to exclude from the contract all pictures (not exceeding 4) roadshown in the territory out of which the contract holder is served, by sending written notice to the contract holder not later than 14 days after the completion of the roadshowing in that territory.
- (4) For each picture so excluded by the distributor, the exhibitor has the right to exclude from the contract one other picture. To do so, he must give written notice to the distributor not later than 14 days before the exhibition date of the picture he wishes to exclude. As to the time-limit for giving such notice, what was said about mailing a notice to the distributor under the 10% cancellation clause applies also here: when you decide which pictures you wish to cancel, do not wait until you receive the date of availability of those pictures; send the notice of cancellation immediately.

THIRTY-FIRST: Until MGM notifies the exhibitor either by mail or by telegraph that it has accepted the application (and it cannot be accepted in any other way), such application does not become binding, and the exhibitor has the right to withdraw it; and unless the distributor sends such notice of acceptance within 15 days after the date of the application, if the theatre is located east of the Mississippi River, or within 30 days, if located west of the Mississippi, the application is considered as having been withdrawn.

The approval or the rejection of the application by MGM does not constitute either an approval or a rejection of any other application signed by the exhibitor at the same time or at any other time.

## THE STATUS OF THE PLAY-DATE STRIKE AGAINST PARAMOUNT

There is lull in the battlefront in Minneapolis, but that does not indicate that the intensity of the strike has diminished—it is fought as bitterly as before. Only that the exhibitors, having been enjoined temporarily to refrain from boycotting the Paramount exchange and from carrying on propaganda among the independent exhibitors to persuade them to refuse to buy the 1937-38 season's product, are laying low, waiting for the final decision.

But whether the injunction is made permanent or not, the strike, according to advices from Minnesota, will go on just the same, for the exhibitors are determined for once to obtain redress for the wrongs Paramount has been doing to the exhibitors in the matter of picture deliveries. Their feelings have been pent up until they can hold them back no longer.

In Philadelphia, the organization held a meeting on August 20 and decided that the members individually grant to a committee of the organization, consisting of three persons, power of attorney to buy the Paramount program for them, at prices not exceeding those of last season, and perhaps at lower prices and at better terms.

Paramount is making frantic efforts to minimize the effect of the strike upon the Paramount stockholders, if one is to judge by the statement Barney Ballaban, President of Paramount, made last week. He said the loss Paramount sustained as a result of the strike had been so far about \$10,000. In view of the fact that three of the Philadelphia organization's members alone paid to Paramount last season \$100,000, it is manifest that this statement was made to offset whatever harm might have been done by an account of the strike that was printed in the August 12 issue of The New York *Times*.

To some exhibitors Ballaban's statement is so misleading that they have felt as if it was their duty to lodge a complaint with the Securities Exchange Commission, on the ground that such a statement tended to mislead prospective investors.

Paramount will do well to settle its differences with the exhibitors. Can it profit by fighting its customers?

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# HARRISON'S REPORTS

35с а Сору

#### 1270 SIXTH AVENUE Room 1812 New York, N. Y.

A Motion Picture Reviewing Service Devoted Chiefly to the Interests of the Exhibitors

Its Editorial Policy: No Problem Too Big for Its Editorial Columns, if It is to Benefit the Exhibitor.

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#### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XIX

SATURDAY, SEPTEMBER 4, 1937

No. 36

### A Study of the 1937-38 Season's Contracts - Article No. 3

#### Paramount

SCHEDULE:

The Paramount contract calls for a maximum of 52 features to be released generally during the year beginning August 1, 1937, and ending July 31, 1938. Since no minimum number is stated, Paramount may deliver anywhere from one picture to 52 pictures, and the contract holder has no remedy should he get fewer than 52.

Excluded from the contract are, the foreign and the "Hopalong Cassidy" pictures, road-shows, previews, tryouts, and pre-releases.

A blank space is provided for the insertion of the number of features offered and the number of features licensed. Since the 10% cancellation clause (paragraph Fourteenth) provides that the cancellation right may be exercised by the exhibitor only if he has licensed all the features offered, these blank spaces should be filled in with the exact number of features. (In this connection, read what was said in HARRISON'S REPORTS in the study of the MGM contract, clause Twenty-Eighth.)

Blank spaces are provided for the insertion of (1) the classifications, (2) the number of days each picture is to run, (3) either the flat rental or the minimum guarantee, (4) the percentage terms, (5) the score charge per picture, and (6) the designation of preferred playing time.

The distributor has the right to designate the classification of each picture, with no time limit in which to exercise such right. Paramount may designate a given picture to a low classification for your competitor, and to the highest classification for you.

If a contract holder should cancel one of the pictures after the distributor had designated it to a particular classification, the distributor has the right to put another picture in its place, on the terms of the picture cancelled.

The license fees are not "average" license fees, and Paramount is under no obligation to make an adjustment of the prices should it fail to deliver the full number of low-allocation features, thus raising the contract holder's "average." (Editor's Note: Read what was said about a similar provision in the Columbia contract, under the heading Designation—middle of second column, first page, August 21 issue.)

Blank spaces are provided for the insertion of the admission prices the contract holder charges. If he should reduce these prices, the distributor has the right (a) to terminate the agreement and to recover from him as damages the amount of the license fees of all undelivered pictures, or (b) to reduce the clearance by 50%, or (c) to revoke the run and to postpone the available date of each picture by 60 days.

On percentage pictures, the contract holder must account for all admissions to the theatre on the basis of the admission prices specified in the contract, and not of the reduced prices charged by him.

If an exhibtor should contract for the Paramount pictures for a subsequent run, he agrees to play them without a prior run, should Paramount so decide.

If the agreement gives the exhibitor the right to play a picture for, let us say, three days, and he books it for only two days, he has no right to play it a third day, unless he signs a new contract for it.

Paramount has the right to ship the films C.O.D., and may add to the C.O.D. the amount of any other indebtedness incurred under either this or any other agreement.

MAIN CONTRACT:

THIRD CLAUSE (a): Payment of either the flat rental or of the minimum guarantee for each picture, as the case may

be, must be made at least three days before the day the distributor ships the print.

(b) This clause puts the contract holder under an obligation to make the distributor's share of the percentagepicture receipts trust funds.

FOURTH (b): When a picture plays for three consecutive days in a theatre located in the exchange territory from which the contract holder is served, at admission prices usually charged by such a theatre, the picture is considered as having been "generally released" in that territory. Consequently, reference to a picture's "general release" does not mean a "national release," but a release only in the exchange territory from which the exhibitor is served.

NINTH: Until Paramount notifies the applicant for a contract either by mail or by telegraph that it has accepted the application, such application does not become binding. In such an event, the applicant has the right to withdraw it; and unless the distributor sends notice of acceptance within 15 days after the date of application, if the applicant's theatre is located east of the Mississippi, or within 30 days if located west of the Mississippi, the application is considered as having been withdrawn.

TENTH: The salesman's promises are not binding, unless they are written into the contract.

ELEVENTH: The contract holder cannot assign the contract, unless he either sells his theatre or transfers an interest in it. (Editor's Note: What was said about a similar provison in the Columbia contract, clause Twelfth, is applicable in the interpretation of this clause.)

THIRTEENTH: This clause relates to the rights of the parties when either the exhibitor or the distributor is prevented from performing the contract. (Editor's Note: Read earefully what was said about a similar situation in the MGM contract, clause Twenty-fourth [a] and [b].)

FOURTEENTH (Cancellation Clause): This clause is excellent; it offers the same advantages as the 10% cancellation provision contained in clause Twenty-Eighth of the MGM contract, without its disadvantages; namely, the lack of sufficient time in which the contract holder may cancel the pictures. Under the Paramount contract, the exhibitor may cancel a picture within 10 days after receiving the availability notice.

SIXTEENTH: The distributor has the unlimited right to roadshow its pictures in any of the exchange territories without roadshowing them in the others. When a picture is so roadshown, it does not become available under the contract unless it has completed its roadshow engagement in all the territories, provided the completion is effected in the period between August 1, 1937, and July 31, 1938; and even then, not until it is released generally in the territory out of which the exhibitor is served.

### THE STATUS OF THE PLAY-DATE STRIKE AGAINST PARAMOUNT

The play-date strike against Paramount has not registered any change. The Paramount application for a permanent injunction has not yet been decided in Philadelphia, and in Minneapolis the hearing was to be held on the first day of September. In the Los Angeles zone, where no injunction proceedings were taken, the ranks are holding just as fast as they are either in the Philadelphia or the Minneapolis zone.

That Paramount is beginning to feel the effect of the strike may be evidenced by the fact that it has, as I have been told, instructed its salesmen to approach some leading exhibitors to sound them out as to what would be the

#### "Victoria The Great" with Anna Neagle and Anton Walbrook

(RKO, [1937-38] Not set; time, 120 min.)
An excellent "class" picture, one of the best to come out of England. Lavishly produced, and capably acted and directed, it is a human and stirring account of the private life of Queen Victoria; and for the most part it is historically accurate. There are situations that touch the heart; the most pathetic one shows the death of Prince Albert, Victoria's adored husband, upon whom she had depended for many decisions. Amusing are the scenes of family life, showing the methods Prince Albert employed to make the Queen realize that he could be of use to her in political affairs. Besides the domestic scenes, the story naturally delves into the trying times during the early part of Queen Victoria's reign, the unrest, the attempt on her life, and her patience, tact, and intelligence in steering the country into the great empire it became under her rule. The picture ends with a spectacle, filmed in Technicolor; it shows the Jubilee in honor of her sixty-year reign. Although audiences are by this time familiar with the Coronation procedure, this part is impressive just the same.

The picture opens showing the Archbishop of Canterbury and the Lord Chamberlain notifying eighteen year old Princess Victoria that she was Queen of England. Statesmen feared that a girl so young would be incapable of fulfilling the duties of a Queen, but she surprised all by her dignity and common sense. At first she resented talk about marriage and disliked the choice of Prince Albert; but when she met him she immediately fell in love with him, as he did with her. She shyly proposed marriage. After the marriage, which was an extremely happy one, Albert became restless because the Queen would not permit him to interfere in political matters lest the English people resent a foreigner's interference in their domestic affairs. But in time she realized how clever he was and worked hand in hand with him. It was through his tact that war with the United States was averted. But the hard work had taxed his strength, and so he died, to the Queen's deep grief. She retired from public life for many years, much to the dissatisfaction of her friends, who felt that she was doing an unwise thing. They gradually coaxed her into taking an interest in life again; and so she continued as the ruler, bringing wealth and happiness to her country, and winning the affection of all.

Miles Malleson wrote the original story and Mr. Malleson and Charles DeGrandcourt, the screen play; Herbert Wilcox directed and produced it. In the cast are H. B. Warner, Mary Morris, Walter Rilla, and others.

Suitable for all. Class A. It is a prestige picture.

#### "Outlaws of the Orient" with Jack Holt and Mae Clarke

(Columbia, August 20; [1936-37], time, 61 min.)
A fair program action melodrama. Although the locale is China, the story is patterned after Western melodramas. But it has some human appeal which is caused by Jack Holt's efforts to straighten out his younger brother, who had taken to drink. The closing scenes, during which there is a fight between bandits and the men stationed at the oil

field, are the most exciting. There are some good shots: they show Holt throwing from a plane dynamite bombs, thus routing the enemy. Another exciting situation is where the younger brother, dressed in an asbestos suit, caps an oil well which had caught on fire. The romance is pleasant:-

A month before his marriage, Holt receives orders from his company to hurry back to China to take charge of the oil drilling concession which his brother (James Bush) had been mismanaging. Holt realizes that the only way to get the work finished was to pay off Harold Huber, a Tartar bandit, who was paid by a rival oil company to cause trouble. When the company refuses to pay such money, Holt is compelled to pad the pay-roll. This causes a discrepancy in the accounts, and Mae Clarke, the book-keeper, is discharged for inefficiency. Engaged by Walker, the company pilot, to "vamp" Holt so as to deter him from leaving for the States, she goes with him to the oil field. But when she meets Bush she falls in love with him. Her presence there helps him to take an interest in his work. Eventually there is a show-down with Huber and his bandits, in which Holt comes out the victor. His work done, Holt leaves for the States. Bush marries Miss Clarke.

Ralph Graves wrote the story, and Charles Francis Royal and Paul Franklin, the screen play; Ernest B. Schoedsack directed it. In the cast are Ray Walker, Bernice Roberts, Joe Crehan, and others. Suitable for all. Suitability, Class A.

#### "Roaring Timber" with Jack Holt and Grace Bradley

(Columbia, July 4; running time, 65 min.)

For an action melodrama, this is surprisingly dull program fare. About the only thing in its favor is the beautiful outdoor lumber country background. The familiar story is developed without one new angle, and before the picture is half over one knows just how it is going to end. The action is slow, and, with the exception of one or two fist fights, unexciting. There is no suggestion of a romance:

Jack Holt, logging boss for J. Farrell MacDonald, works hard to finish a difficult job so as to earn a \$5,000 bonus. Before the job is over, MacDonald dies, and his daughter (Grace Bradley) takes over active management of the business. Charles Wilson, her manager, in an effort to compel her to sell out, creates enmity between her and Holt. Willard Robertson, engineer at the lumber camp, working hand in hand with Wilson, causes many mishaps. Eventually everything comes to light: Miss Bradley gives Holt a free hand. Holt, finishing the job, gets his bonus

James Cosgriff wrote the story, and he and Paul Franklin, the screen play; Phil Rosen directed it, and Larry Darmour produced it. In the cast are Ruth Donnelly, Raymond Hatton, and others.

Suitability, Class A.

#### "Gangway" with Jessie Matthews

(Gaumont-British, August: time, 87 min.)

Fairly entertaining. The story is amusing, particularly in the second half, where Jessie Matthews becomes involved with a gang of American gangsters, who mistake her for an international jewel thief. Between the melodramatic situations, Miss Matthews sings and dances in her usual charming manner, and teams up with Barry Mackay in a delightful romance. As a tough but sentimental gangster, Nat Pendleton provokes hearty laughs. The closing scenes are exciting

Miss Matthews, a film critic on a London newspaper, yearns for an exciting life such as was depicted in American motion pictures revolving around newspaper reporters. While out on a story, she becomes involved with crooks, who mistake her for a jewel thief. Scotland Yard inspector Mackay, too, thinks that she was a crook and was sorry, for he had fallen in love with her. Before realizing what was happening to her, she finds herself on the way to America, where, upon landing, she is met by a delegation of gangsters. When the real crook shows up, the gangster chief decides to shift the blame on Miss Matthews. But he is thwarted by the timely arrival of Mackay and the police, who arrest the gang. Miss Matthews is happy to go back to England with Mackay to a quiet life.

Dwight Taylor wrote the story, and Lesser Samuels, the screen play: Sonnie Hale directed it. In the cast are Noel Madison, Olive Blakeney, and others

Since the gangsters are treated in a farcical manner, it is not harmful. Suitability, Class A.

#### "Dark Journey" with Conrad Veidt and Vivien Leigh

(London Film-United Art., July 2 [1937-38] time, 81 min.) A pretty good program espionage melodrama. At first, it is somewhat difficult to follow the involved plot; but it becomes clearer as the action unfolds and the characters are established. The settings are lavish, and the performances and direction excellent. There is plentiful exciting action; and, since the hero and the heroine are involved in dangerous espionage work, one is held in suspense. The one drawback, as far as American audiences are concerned, is the lack of box-office names. The action takes place during the World War:

Vivien Leigh, beautiful owner of a dressmaking establishment in neutral Stockholm, uses her business as a blind to carry on espionage work for the Germans. But after some of the information she turns over proves to be misleading, the Germans become suspicious. Conrad Veidt, head of the German Secret Service, undertakes to investigate the matter himself. He learns that she was really a French spy, who had been tricking the Germans; but he falls in love with her, as she does with him. She, too, finds out who he is. In the end, the British prevent him from arresting Miss Leigh; instead, they arrest him. Miss Leigh promises to wait for him.

Lajos Biro wrote the story, and Arthur Wimperis, the screen play; Victor Saville directed and produced it. In the cast are Joan Gardner, Anthony Bushell, Ursula Jeans, and others

Suitable for all. Class A.

#### "That Certain Woman" with Bette Davis, Henry Fonda, Ian Hunter and Anita Louise (First National, September 18 [1937-38]; time, 93 min.)

This emotional drama should direct a powerful appeal to women. Basically there is nothing new in the story; yet it has deep human appeal. One is in sympathy with the heroine, who, despite many hard knocks, acts at all times in a manner beyond reproach. Even her relationship with Ian Hunter, a married man, has been handled in so discreet a manner that it is not offensive; as a matter of fact it is indefinite whether she is his mistress or not. At times one is touched by the heroine's plight. The situation in which she sends her child to her divorced husband is stirring. The

happy ending should appeal to the masses:-

Miss Davis, secretary to Ian Hunter, a wealthy lawyer, is grateful for his efforts to protect her from a newspaper reporter, who had discovered that she was the widow of a gangster; she does not realize that Hunter, who was unhappy with his wife, loved her. Henry Fonda, the weakling son of Donald Crisp, a millionaire, who knew of her past, begs her to marry him, and upon the advice of Hunter she does so. She begs Fonda to break with his father; promises, but when Crisp appears at the hotel where they were stopping Fonda is too weak to resist and goes away with him. Miss Davis does not tell Fonda of her approaching motherhood, and so the marriage is annulled. After her son is born she goes back to work for Hunter, who still loved her. It is not until she learns that Fonda had remarried that she becomes intimate with Hunter. A scandal is created when Hunter dies in her apartment. Fonda calls and offers his help; it is then that he finds out about his son. He confesses he had never stopped loving her. But when she meets his invalid wife, she decides not to take Fonda from her; instead, she turns her son over to them, and then she travels around the world to forget. She is overjoyed when after a few years she receives a call from Fonda to return, for his wife had died.

Edmund Goulding wrote the story and screenplay, and directed it. Robert Lord produced it. In the cast are Hugh O'Connell, Katherine Alexander, Mary Phillips, Minor

Watson, and others.

Better suited for adults than for children. Class B.

#### "Borneo"

(20th Century-Fox September 10 [1937-38]; time, 75 min.)

This is the best travelogue produced by Martin and Osa Johnson. The photography is excellent, and the different

scenes of animal life are novel.

The Johnsons are shown collecting materials and men, and then starting off on their expedition, setting up camp near a water hole where, according to their hired native head, different types of animals would come for water. And they were not disappointed, for they were able to get at this water hole unusual shots of monkies and other animals.

Starting out on their exploring, the first strange sight they came across was that of flying poisonous snakes, and then of water monkies, who would leap from the tops of

trees into the water.

But the most amusing and novel picture is that of the monkies with elongated noses (probiscis monkies). In these scenes, Lew Lehr does the commenting in his peculiar dialect, which seemed unnecessary and out of place.

Following this sight is another novelty—that of treeclimbing fish. The fish are shown emerging from the water, climbing trees, and settling themselves comfortably there.

But the thrill comes in the closing scenes; these show the capture of a 300 pound orang-utan, who, in an effort to evade his captors, climbed to the top of a high tree, and stayed there for three days. The natives cornered him by cutting down all the other trees around him. The methods employed to capture him, the cunning and ingenuity required, thrill one.

Truman Talley produced it, and Lowell Thomas acted

as the commentator.

Suitability, Class A.

#### "The Man Who Cried Wolf" with Lewis Stone, Barbara Read and Tom Brown

(Universal, August 29 [1937-38]; time, 65 min.)

Though the photography and the settings are worthy of being associated with pictures of higher than program grade, and with of at least good quality, this is no more than a fair murder-mystery melodrama. The reason for it is its motivation; the spectator's emotions cannot be stirred very well with a revenge motive. The love affair between Miss Read and young Brown is somewhat sympathy awakening.

Lewis Stone, an actor, confesses to some murders he had not committed in order to make the police believe that he was eccentric. His plans were to kill Jameson Thomas, who had run away with his wife years before, and when he would again confess to the murder the police would naturally not believe him. But his plans hit a snag when the police arrest as the murderer Tom Brown, his own son, (who was not aware of their relationship), who had quarreled with Thomas over his inheritance. Stone, after much difficulty, convinces the police of his guilt. Brown and Miss Read are grateful to him.

Charles Grayson and Cy Bartlet wrote the screen play, Lewis R. Foster directed it, and E. M. Asher produced it. Hardly suitable for children. Suitability, Class B.

#### "Sea Racketeers" with Weldon Heyburn, Jeanne Madden and Warren Hymer

(Republic, August 9; running time, 63 min.)

This program comedy-melodrama may appeal to audiences who like somewhat rough entertainment. Most of the picture is taken up with the bickering between Warren Hymer and Weldon Heyburn, both in the Coast Guard Service, and with the tricks they play on each other. It is not until the end, when the Coast Guard enter into a fight with racketeer fur smugglers, that it becomes exciting. The love angle is mildly pleasant:—

Heyburn and Hymer, connected with the Coast Guard, battle with each other over girls, money, and even their work. When Miss Madden, daughter of the lighthouse keeper who had been killed by racketeers, arrives to live with her friends, the two men fall in love with her; but it is Heyburn she loves. Hymer, overhearing his pal making love to Miss Madden, warns her that Heyburn had many girls; this brings about a discord between the lovers. She goes to work as a singer on a gambling ship owned by J. Carrol Naish, who did fur smuggling on the side. When she finds out about the fur smuggling, Naish holds her prisoner, as he does Hymer, who, too, had stumbled upon the information. Eventually Heyburn and other members of the Coast Guard capture the smugglers. Miss Madden becomes reconciled with Heyburn.

Dorrell McGowan and Stuart McGowan wrote the original screen play; Hamilton McFadden directed it, and Arnold Schaefer produced it. In the cast are Dorothy McNulty, Joyce Compton, and others.

Unsuitable for children. Adult fare. Class B.

## "Broadway Melody of 1938" with Robert Taylor, Eleanor Powell, and George Murphy

(MGM, August 20 [1936-37]; time, 109½ min.)

The box-office success of this picture is assured by the value of the star names alone. But judged on its merits, it falls below expectations, both in story and production. Most of the action is confined to small sets, the only really lavish set being used in the finale. Too much time is wasted on trite doings and talk. When it goes into its song and dance routines it is all right; but when the music stops, it becomes dull. There isn't enough comedy to "pep" up the action. The romance is pleasant in its routine way:—

Taylor, a play producer, receives the financial backing of Raymond Walburn, whose wife, Binnie Barnes, had been attracted to him. But when Taylor insists that Eleanor Powell, an unknown, with whom he had fallen in love, take the leading part in his show, Miss Barnes is enraged and persuades her husband to withdraw his backing. Miss Powell, realizing that she was the cause of the trouble, withdraws from the cast, but Taylor, rather than go on without her, stops rehearsals. In order to earn enough to pay for feed for her horse, her one and dearest possession, she takes a job in a night club. When she learns that Taylor was the one who had paid for the horse for which she had overbid at an auction, and not George Murphy, the trainer, as she had believed, she feels that she must do something for him. So she enters her horse in an important race. Everyone is overjoyed when the horse wins. Miss Powell naturally turns the money over to Taylor, to go on with the show. She agrees to go back in the leading part. The show and Miss Powell are acclaimed by the critics.

Jack McGowan and Sid Silvers wrote the story, and Jack McGowan, the screen play; Roy Del Ruth directed it, and Jack Cummings produced it. In the cast are Buddy Ebsen, Sophic Tucker, Judy Garland, Charles Igor Gorin, Robert Benchley, Willie Howard, and others.

Suitable for all. Class A.

### Box-Office Performances of 1936-37 Season's Pictures - No. 1

This is the fifth series. Eight hundred theatres are cooperating in the check-up.

Columbia

"A Dangerous Adventure," with Rosalind Keith and Don Terry: Fair to poor.

"It's All Yours," with Francis Lederer: Good.

"Outlaws of the Orient," with Jack Holt: Fair to poor.

According to the Columbia Home Office, "Outlaws of the Orient" is the last release for the 1936-37 season. This makes the number of regular pictures released 38, rated as follows according to their box office performances

Excellent. 1; Very Good, 1; Very Good to Good, 1; Good, 4; Good to Fair, 4; Good to Poor, 1; Fair, 5; Fair to Poor, 13; Poor, 8.

In round percentage figures, the ratings are as follows: Excellent, 2½%; Very Good, 2½%; Very Good to Good, 2½%; Good, 11%; Good to Fair, 11%; Good to Poor, 2½%; Fair, 14%; Fair to Poor, 33%; Poor, 21%—

total 100%.

In the 1935-36 season, thirty-seven regular pictures were released, in addition to the westerns; they were rated as follows:

Excellent, 1; Very Good, 1; Good, 1; Good to Fair, 1; Fair, 13; Fair to Poor, 6; Poor, 14.

The ratings of the 1935-36 season's pictures, expressed in round percentage figures, were as follows:

Excellent, 2¾%; Very Good, 2¾%; Good, 2¾%; Good to Fair, 2¾4%; Fair, 35%; Fair to Poor, 16%; Poor, 38% -total 100%.

There has been a slight improvement, but in view of the fact that the box-office performances of the 1935-36 season's pictures were far below normal, the results cannot be considered in any other way than as far too short in improvement, by reason of the fact that the number of pictures in the groups of Good and over are only 7 pictures. And only 7 good pictures out of 38 is not a record a company may brag about.

#### First National

"San Quentin," with Pat O'Brien: Good.

"Dance, Charlie, Dance," with Stuart Erwin, Jean Muir and Glenda Farrell: Fair.

"Mr. Dodd Takes the Air," with Kenny Baker and Jane Wyman, produced by Mervin LeRoy: Good to Fair. "Confession," with Kay Francis and Ian Hunter: Good.

Since "Confession" is, according to the Warner Bros. Home Office, the last 1936-37 release, 26 regular pictures are to be delivered, instead of 27, as the contract calls for. Only two of the three westerns have been delivered.

Rating them in accordance with their box office performances, we get the following results:

'ery Good to Good, 3; Good, 5; Good to Fair, 5; Good to Poor, 1; Fair, 5; Fair to Poor, 5; Poor, 2-altogether 26 pictures.

Expressing the different ratings in round percentage terms, we get the following results:

Very Good to Good, 11½%; Good, 19¼%; Good to Fair, 19¼%; Good to Poor, 3¾%; Fair, 19¼%; Fair to Poor, 19¼%; Poor, 7¾%—total 100%.

In the 1935-36 season, only 25 regular pictures were released, although the three westerns were delivered in full; they were rated as follows:

Excellent, 2; Very Good, 2; Very Good to Good, 1; Good, 3; Good to Fair, 4; Fair, 9; Fair to Poor, 2; Poor, 2.

Expressing the different ratings in percentage terms, we get the following results: Excellent, 8%; Very Good, 8%; Very Good to Good, 4%; Good, 12%; Good to Fair, 16%; Fair, 36%; Fair to Poor, 8%; Poor, 8%;

In the Good and higher rating groups, the combined percentages are as follows:

Season 1935-36: 32%. Season 1936-37: 303/4%. No improvement has been shown in the box office performances of the 1936-37 season's pictures, particularly when one takes into consideration that in the 1935-36 season the ratio of Excellent box office result was 8%, whereas there has been none in this rating in the 1936-37 season.

Metro-Goldwyn-Mayer

"Between Two Women," with Franchot Tone and Maureen O'Sullivan: Good to fair.

"Topper," with Constance Bennett, Cary Grant and Roland Young: Good.

"Saratoga," with Clark Gable and the late Jean Harlow: Excellent to very good.

"London By Night," with George Murphy and Rita

Johnson: Fair. "The Good Earth," with Paul Muni and Luise Rainer:

Excellent to very good. The 1936-37 season will close with the release of two more

pictures, "Broadway Melody of 1938," and "Bad Guy.

With the release of these two additional pictures, MGM will have delivered 44 pictures, including "The Great Zieg-

The 42 pictures that have been reported in this check up since the beginning of the 1936-37 season are rated as follows:

Excellent, 3; Excellent to Very Good, 3; Very Good, 2; Very Good to Good, 2; Good, 3; Good to Fair, 6; Good to Poor, 1; Fair, 13; Fair to Poor, 5; Poor, 4.

Expressed in round percentage terms the results are as

Excellent, 7%; Excellent to Very Good, 7%; Very Good, 5%; Good, 5%; Good to Fair, 4%; Good to Poor, 2½%; Fair, 3%; Fair to Poor, 12%; Poor, 9½%—total 100%.

The first 42 of the 1935-36 season were rated as follows:

Excellent, 6; Excellent to Very Good, 1; Very Good, 4; Very Good to Good, 2; Good, 7; Good to Fair, 1; Fair, 4; Fair to Poor, 6; Poor, 11.

Expressed in round percentage terms, the results are as follows:

Excellent, 14¼%; Excellent to Very Good, 2½%; Very Good, 9½%; Very Good to Good, 5%; Good, 16½%; Good to Fair, 2½%; Fair, 9½%; Fair to Poor, 14¼%; Poor, 26%-total 100%.

#### THE PLAY-DATE STRIKE

(Continued from front page)

attitude of the majority of the exhibitors if Paramount were to offer to the strike participants individual settlement.

Paramount needs the money of the striking exhibitors more than the exhibitors need Paramount pictures. If "High, Wide and Handsome" has cost \$1,900,000, and "Souls At Sea" \$1,700,000, as I have been told they have cost, and "Artists and Models" a corresponding amount, Paramount must make a settlement and make it soon. Zukor is advocating the raising of the admission prices because, he says, pictures cost so much more now that the producer's share must be larger. In the opinion of this paper, the increase is asked to cover up the incompetence of some, and the inefficiency of some others, of the studio heads. What excuse can any one of them give for the cost of "High, Wide and Handsome"? Why should so much money have been spent on a program story? And why should the story of "Souls At Sea" have been put into pictures at all, except for the lack of judgment on the part of whoever decided to make a picture out of it?

The controversy could have been settled if common sense had been employed. But the business today is run not by practical men, but by lawyers, who cannot see any other way of settling disputes except by litigation.

#### WANGER'S "VOGUES OF 1938"

Thanks to the extensive publicity campaign United Artists has carried on in the New York newspapers, and equally to the fine presentation the Music Hall is giving it, "Walter Wanger's Vogues of 1938" is drawing large crowds at the Music Hall, even during the second week. The women have gone "crazy" about it, because the fashions are presented in natural colors. And there is no doubt that the picture will be given a fine reception everywhere.

But this fact does not absolve the producer, who has failed to provide for a story that would hold the interest. Many of those who have seen it have criticized it on the ground that the story is thin, even though they liked the fashions and the colors.

It is chiefly a woman's picture.

# ARRISON'S

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#### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XIX

SATURDAY, SEPTEMBER 11, 1937

No. 37

### A Study of the 1937-38 Season's Contracts — Article No. 4

#### **RKO**

SCHEDULE:

The contract holder agrees to play all pictures "generally released" by RKO during the 1937-38 season, without limit as to the number of such pictures; but he may demand delivery only of such pictures as RKO shall number from 801 to 848—a total of 48 pictures.

A blank space is provided for the insertion of the number of pictures RKO may designate to be played on per-

The distributor retains the right to designate the terms on which each picture is to be played, and to interchange the terms, at any time prior to its exhibition date.

A blank space is provided for specifying the number of percentage pictures RKO may designate for exhibition on preferred dates.

Double-featuring of RKO pictures is prohibited.

Blank spaces are provided for the insertion of (1) the production numbers, (2) the titles, (3) the number of days each picture is to run, (4) the designation of preferred playing time, (5) the guaranteed license fees, (6) the score charge, and (7) the percentage terms. RKO will, no doubt, refrain from giving in the contract the production numbers and titles of the pictures, leaving it to the salesmen to fill in the spaces with the classifications and with the number of pictures in each classification.

Exeluded from the contract are (1) pictures made by independent producers whose contracts with RKO provide that their pictures are to be sold on separate exhibition contracts; and (2) pictures produced in color, unless a provision for their inclusion is written into the schedule.

The license fees are not "average" license fees. (Editor's Note: Read what was said about a similar provision in the Columbia contract, under the heading DESIGNAtion-second column, first page, August 21 issue.

Blank spaces are provided for the insertion of the minimum admission prices the contract holder is to charge. If he should reduce these prices, the distributor has the right (a) to terminate the agreement, or (b) to reduce the clearance by 50%, or (c) to revoke the run and to postpone the available date of each picture by 60 days.

Blank spaces are provided for the licensing of short subjects and news, which must be paid for in equal weekly instalments, regardless of the frequency with which they are played.

#### MAIN CONTRACT:

FIRST CLAUSE: The agreement runs for 18 months from the date fixed for the exhibition of the first picture, and eovers all pictures released generally during the period beginning September 1, 1937, and ending August 31, 1938.

If the distributor should fail to release generally during that period some pictures designated by it as 1937-38 productions, the contract holder must accept those pictures should they be released between August 31, and December 31, 1938, unless he notifies the distributor, in writing, not later than September 10, 1938, that he does not want them. He must, however, reject all such pictures: he cannot accept some and reject the others.

THERD: Payment of the fixed rental for each picture must be made at least 3 days before the print is shipped.

NINTH: This clause covers the right of the distributor to change the story, title, and east of any picture. But it is meaningless since no stories, titles, or casts are specified in the schedule.

TENTH: This clause relates to the assignability of the contract. (Editor's Note: Read what was said about a similar provision in the MGM contract, elause Nine-teenth.)

THIRTEENTH: If either party to the contract cannot perform with respect to some of the licensed pictures for causes beyond its direct control, and so notifies the other party, in writing, the contract is deemed terminated as to those pictures.

FIFTEENTH: The salesmen's promises are not binding unless they are written into the contract.

SIXTEENTH (Cancellation Clause): This clause is excellent; it offers the same advantages as the 10% eancellation provision contained in clause Twenty-Eighth of the MGM contract, with the additional advantage of giving the contract holder a period of 14 days, counting from the time the availability notice is sent to him, to cancel the picture.

SEVENTEENTH: This clause provides for the manner in which the application may become a contract. It is the same as clause Ninth of the Paramount contract, discussed in the issue of September 4.

NINETEENTH: The distributor has the right to roadshow any of the licensed pictures in some of the exchange territories, without roadshowing them in all the other exchange territories, except that not more than 2 pictures may be roadshown either in the New York City or the Los Angeles

Provision is made for the exclusion from the contract of any picture roadshown if the distributor so wishes, in which case the contract holder has the right to cancel one other picture. The time limit within which the contract holder may avail himself of such right is, however, so short that, if he should wish to take advantage of it, he should give a written cancellation notice at once, instead of waiting until he receives the availability notice of the picture he wishes to cancel.

TWENTIETH: This clause covers substitutions of stars, or of stories. But it is meaningless since neither stars nor stories are specified in the schedule.

#### BOX-OFFICE PERFORMANCES OF 1936-37 SEASON'S PICTURES—No. 2

#### Paramount

"Exclusive," with Charles Ruggles, Fred MacMurray, and Frances Farmer: Good.

The number of pictures this company released in the 1936-37 season, including "Arizona Mahoney" and "Forlorn River," which are Zane Grey's, but excluding all other westerns, are 53; they have been rated as follows:

Excellent, 1; Excellent to Very Good, 2; Very Good, 3; Very Good to Good, 5; Good, 9; Good to Fair, 4; Fair, 9; Fair to Poor, 17; Poor, 3.

Expressed in percentage terms, the results are as follows: Excellent, 2%; Excellent to Very Good, 3¾4%; Very Good, 5½%; Very Good to Good, 9½%; Good, 17%; Good to Fair, 7½%; Fair, 17%; Fair to Poor, 32%; Poor, 5¾% -total 100%

The number of pictures Paramount released in the 1935-36 season, including "Wanderer of the Wasteland," "Nevada," "Scrooge," and "Arizona Raiders," but excluding "Little America," "Wings Over Ethiopia," and all regular westerns, were 62; they were rated as follows:

Excellent, 1; Excellent to Very Good, 1; Very Good, 1; Very Good to Good, 4; Good, 6; Good to Fair, 7; Fair, 13; Fair to Poor, 9; Poor, 20.

Expressed in percentage terms, the box office results are as follows:

#### "Thin Ice" with Sonja Henie and Tyrone Power

(20th Century-Fox, Sept. 3 [1937-38]; time, 78 min.)

Entertaining, although not as good as "One In a Million." The story is light. It should, however, draw well at the box-office because of the popularity of the two stars; and for its other attractive features it offers a pleasant romance, and thrilling skating feats by Miss Henie. She executes her most spectacular routine in the closing scenes, accompanied by group skaters. Since her first picture, she has improved in her acting; she shows more poise and greater ease before the camera. There are some beautiful outdoor skiing shots that were photographed in the snow country. Joan Davis contributes two excellent comedy bits in the way of songs:—

Tyrone Power, a prince, who had arrived at the skiing resort on a mission for his country at an international conference, pretends to be ill so as to pit the diplomats of two other countries against each other, hoping thereby to gain his demands. He sneaks out so as to go skiing. On one of these jaunts he meets Miss Henie, skating instructress at the hotel. Not knowing who he was, she treats him in a casual manner; after a few meetings, they are deeply in love. In the meantime, the neighbors start gossiping. Miss Henie is unaware of it. Without realizing the reason for all the attention she was receiving from many diplomats who hoped she would put in a good word for them with the Prince, she is flattered by it, accepting many gifts. When she does find out what it is all about, she is frightened and denies knowing the Prince. But he finally makes his identity known to her and begs her to marry him; she gladly accepts.

Attila Orbok wrote the story, and Boris Ingster and Milton Sperling, the screen play; Sidney Lanfield directed it, and Raymond Griffith produced it. In the cast are Leah Ray, Arthur Treacher, Raymond Walburn and Alan Hale.

Suitable for all. Class A.

### "Wild and Woolly" with Jane Withers and Walter Brennan

(20th Century-Fox [1937-38] Sept. 10; time, 63½ min.)

This is one of the best Jane Withers pictures. It has fast action, plentiful comedy, and human appeal. Although it is Jane who is the most important character, she does not bear the burden of entertainment alone; she is given excellent support by competent players. The small-town story is amusing, and is given a rousing Western finish with a chase and wild shooting. The romance is pleasant, and is worked into the story in a natural manner. Two songs are rendered, one by Jane, and the other by Carl "Alfalfa" Switzer:—

Jane never tires of telling her friends of the exploits of her grandfather (Walter Brennan) when he was a bandit and later when he was regenerated and became Sheriff. Her worst enemy was Jack Searl, whose grandfather (Berton Churchill), the town banker, and Brennan had been carrying on a feud for forty years. Robert Wilcox, a young journalist, arrives to start a newspaper; he becomes friends with Jane and Brennan, preferring their company to Churchill's. He prevents Brennan from fighting a pistol duel with Churchill for Jane's sake; but Jane is heartbroken because she thought her grandfather was a coward. She and Alfalfa overhear bandits planning to stage a real robbery in place of the one planned for the celebration as part of the performance. She and Alfalfa hide in the coach that the bandits take off in, and as the coach leaves shout to Brennan to save them. He jumps on his horse, races after the coach, and single-handed captures the bandits and recovers the money. The people acclaim him. Churchill apologizes. The feud thus ends. Wilcox marries Pauline Moore, the town's school-teacher.

Lynn Root and Frank Fenton wrote the screen play, Alfred Werker directed it, and John Stone produced it. In the cast are Douglas Fowley, Frank Melton, Lon Change, Ir and otherwise.

Chaney, Jr., and others. Suitable for all. Class A.

#### "Wine, Women and Horses" with Barton MacLane and Ann Sheridan

(Warner Bros., Sept. 11 [1937-38]; time, 63½ min.)

When this picture was first produced in 1934 under the title "Dark Hazard," it wasn't very entertaining even with popular Edward G. Robinson in the leading part. This remake is even less entertaining; it is just mild program fare. The story is identical with the first version, except that in this case the hero loves horses instead of

dogs. There is not much to recommend. For one thing, it is not edifying either to children or to adults, for it glorifies gambling; for another, it is comprised mostly of newsreel shots of horse races. Moreover, the players

are not strong box-office attractions:-

Barton MacLane, a habitual gambler, falls in love with Peggy Bates, a small-town girl, who disapproved of gambling. So he gives up following horse races and settles down to a job as night clerk in a hotel at twenty-five dolars a week. But his gambling blood is aroused again when a guest at the hotel urges him to gamble with his money. MacLane wins \$6,000, and the guest insists that he keep half. He then offers him a job in California at his stables, and MacLane gladly accepts the offer. His wife disapproves of his friendship with Ann Sheridan, who, like MacLane, had followed horses, and of his gambling; she leaves him and goes back home. MacLane soon loses all his money and returns to his wife, again trying to settle down. But things come to a head when he buys a horse he had always had faith in. Learning that his wife loved another, he urges her to get a divorce; he is happy to be free once more to follow the life he loved. Eventually he marries Miss Sheridan.

W. R. Burnett wrote the story, and Roy Chanslor, the screen play; Louis King directed it, and Bryan Foy produced it. In the cast are Dick Purcell, Walter Cassell,

Charley Foy, and others.

Unsuitable for children. Adult fare. Class B.

### "It Happened In Hollywood" with Richard Dix, Fay Wray and Billy Burrud

(Columbia [1937-38]; Sept. 7; time, 67 min.)

A pretty good program human-interest drama. The attention is held because of the sympathy one feels for the hero, who displays admirable traits even in the face of adversity. It should appeal to the masses, because of the studio background in which the details of picture-making are gone into. One of the novelties, which has been handled cleverly, is the appearance of persons who bear a striking resemblance to different stars:—

Dix, famous in the silent days of motion pictures as a western star, loses prestige with the advent of sound pictures and, not having saved his money, finds himself without funds. He refuses to take any picture work in which he would appear in other than heroic parts. Billy Burrud, an orphan who worshipped Dix, arrives in Holly-wood to see him and other stars. Dix, not wanting to disappoint Billy, arranges for a party to which many stars' stands-in come. Dix gains public notice when he, on his way to rob a bank to get money for the sake of his injured pal, forgets his intent and captures two criminals while in the act of holding up the same bank. The producers decide to put him back in talking Westerns, with Miss Wray as his leading lady. His new pictures "click," and Dix, famous once again, devotes his money to the care of children brought to his ranch. He marries Miss Wray and adopts Billy.

Myles Connolly wrote the story, and Ethel Hill, Harvey Ferguson and Sam Fuller, the screen play; Harry Lachman directed it, and Myles Connolly produced it. In the cast are Victor Killian, Franklin Pangborn, and others.

Suitability, Class A.

#### "The Outer Gate" with Ralph Morgan, Kay Linaker and Ben Alexander

(Monogram, Aug. 4 [1937-38]; time, 62 min.)

Poor! The action is slow, and the performances stilted. Since Ben Alexander, as the hero, is motivated by revenge, one is not in sympathy with him. One feels compassion for him in the beginning, because Ralph Morgan, his employer, had sent him to jail for a theft he had not committed. But it develops that Morgan had not done this out of vindictiveness but only through a misunderstanding, and since Morgan, after learning of his mistake, does everything in his power to right the wrong, one feels that Alexander's act of framing Morgan by helping crooks steal from Morgan's safe bonds that had been entrusted to his care, his object being to send Morgan to jail for a theft he had not committed, just as Morgan had sent him, is inexcusable. The act is more reprehensible because Alexander was in love with Kay Linaker, Morgan's daughter. It is not until Alexander's pal sacrifices his life to get the bonds back from the crooks that Alexander realizes the baseness of his actions; he then rushes to the court with the bonds, winning Morgan's freedom. No one can be in sympathy with a vindictive person; and the hero in this picture certainly is one. It would have been far better

had the sacrifice been done by the hero himself. In this manner a crook would not have been glorified, as is the case

Octavus Roy Cohen wrote the story, and Laurie Brazee, the screen play; Ray Cannon directed it, and I. E. Chadwick produced it. In the cast are Edward Acuff, Charles Brokaw, and others.

Unsuitable for children. Adult fare. Class B.

#### "Make a Wish" with Bobby Breen, Basil Rathbone and Marion Claire

(RKO, Aug. 27 [1936-37]; time, 76 min.)

Good family entertainment. Bobby Breen appears to better advantage here—that is, more boyish, because of the way he is dressed. The first half, which shows young boys at a summer camp, is delightful and natural, with the music so well placed that it does not interfere with the action. The story is simple; but it has a pleasant, relaxing effect upon the spectator, for there are no serious problems involved. Besides Bobby, Marion Claire sings a few numbers; and she has an excellent voice. Bobby's manner is still a little theatric, particularly when he sings:—

Basil Rathbone, a composer spending a vacation at his country home, finds himself unable to compose. He becomes friendly with Bobby, one of the boys at the camp, which was directly opposite his home. Bobby permits him to read the letters he had received from his widowed mother. The letters inspire Rathbone to start composing. When Bobby's mother (Miss Claire) arrives at the camp, Rathbone falls in love with her. He induces her to sing the music he had written, and suggests that she take the leading part in the operetta; but she declines, preferring the solid comfort that Ralph Forbes, her wealthy fiance, had offered her. She leaves, taking heart-broken Bobby with her. Rathbone, in disgust, decides to travel. He gives the last act music to his valet, with instructions to send it to his producer. The valet and his two friends see a chance of becoming famous by inserting their own songs. Through an accident they lose the original score. Frantic, they try to compose new songs, but these are so bad that the producer orders them to leave when they play them for him. Bobby and his mother, who know all the music, help the producer get the score together. Miss Claire decides to give up Forbes and to appear in the operetta. Having heard about Miss Claire's decision, Rathbone returns and is united with her, much to Bobby's happiness.

Gertrude Berg wrote the story and screen play; Kurt Neumann directed it, and Sol Lesser produced it. Henry Armetta, Leon Errol, Billy Lee, Donald Meek, and Herbert Rawlinson are in the cast.

Suitability, Class A.

### "Varsity Show" with Dick Powell and Fred Waring

(Warner Bros., Sept. 4 [1937-38]; time, 121 min.)

Theatres that cater to young folk should do very good business with this, for it has a youthful spirit, peppy music, and plentiful comedy; but spectators who do not care for popular music and who desire an absorbing story may be bored, for "Varsity Show" has no plot to speak of and is overlong. Besides, the continuous playing of jazz music becomes tiresome after a while. Even such spectators may, however, go to see Fred Waring, whose band is one of the most popular over the radio. Dick Powell's part is of minor importance; it is Fred Waring, his band, and the performers belonging to his troupe, who are the whole show, and, for the type of entertainment they present, they are very good. Ted Healy provokes hearty laughs each time he appears:—

Disgruntled college pupils, resenting the old-fashioned ideas of Walter Catlett, a professor, who insisted that their yearly Varsity Show should be along classical lines, decide to ask Dick Powell, a graduate of their college, well-known as a Broadway producer, to help them put on their show. They do not know that Powell's last three productions had been "flops." Healy, Powell's assistant, grabs at the chance of making the \$1,000 offered by the pupils, and accepts the invitation for Powell. Catlett, annoyed because of Powell's interference, threatens to make trouble for the pupils in the show, and so Powell decides to leave. When the college boys and girls find out about Powell's sacrifice and about the fact that he was broke, they decide to take their show to New York and put it on to prove that Powell was still a great producer. Their idea works and Powell is acclaimed. He asks Rosemary Lane, one of the pupils with whom he had fallen in love, to marry him.

Warren Duff and Sig Herzig wrote the story, and Jerry Wald, Richard Macauley, Sig Herzig, and Warren Duff, the screen play; William Keighley directed it, and Lou Edelman produced it. In the cast are Buck and Bubbles, Sterling Holloway, Mabel Todd, and others. Suitability, Class A.

#### "The Life of the Party" with Joe Penner, Gene Raymond, Harriet Hilliard and Victor Moore

(RKO, Sept. 3 [1937-38]; running time, 761/2 min.)

Pleasant entertainment. It has some good tunes, peppy dancing by Ann Miller, and lavish sets. The fact that it lacks a substantial plot is of little consequence, for it makes no attempt to become serious at any time. The action, however, drags occasionally. There is enough varied comedy in the antics of Joe Penner, Parkyakarkus, Victor Moore, and Helen Broderick, to please different types of audiences. And Gene Raymond and Harriet Hilliard handle the music and romance competently:—

Raymond, son of a wealthy society mother, who warned him that he would lose his inheritance of \$3,000,000 if he married before thirty, meets Miss Hilliard aboard a train, and falls madly in love with her; but he loses her when they leave the train. Victor Moore, his bodyguard, cautions him against trying to find the girl, reminding him of his inheritance. In the meantime, Miss Hilliard, whose mother wanted her to marry wealthy but silly Joe Penner, is determined to make her way as a singer. Her manager (Helen Broderick) tries to get an audition for her with Billy Gilbert's orchestra, but she is unsuccessful. Raymond is happy when he finds Miss Hilliard registered at his hotel. She rebuffs him, but eventually succumbs. In order to gct rid of Penner, Miss Hilliard pretends that she was married to Raymond. His mother arrives, blesses the union, and tells Raymond she had lied about his age—that he was already thirty and entitled to his inheritance. The happy couple plan to marry.

Joseph Santley wrote the story, and Bert Kalmar, Harry Ruby and Viola Brothers Shore, the screen play; William A. Seiter directed it, and Edward Kaufman produced it. In the cast are Franklin Pangborn, and others.

Suitable for all. Suitability, Class A.

#### "Bad Guy" with Bruce Cabot, Virginia Grey and Edward Norris (MGM [1936-37], Aug. 27; time, 68 min.)

There is in this lurid program melodrama plentiful rough excitement to entertain men audiences; but it should prove too harrowing for women. The story is not particularly pleasant, for it revolves around the actions of a braggart and bully, who thinks nothing of double-crossing even his devoted brother. The brother is really the most worthwhile character; he is shown willing to go to any length to help his bad brother. There are several exciting situations in which linesmen take chances repairing telegraph wires. The closing scene, where Cabot is electrocuted while trying to escape across high tension wires, turns one's stomach:—

Cabot kills a man when he refuses to shoot crap with the dice he had offered. He is sentenced to be electrocuted; but Norris, believing his brother's story to the effect that he had killed the man in self-defense, finds a man who had been present at the fight and, by holding over his head information he had against him on a federal charge, compels him to testify on Cabot's behalf. Cabot's sentence is commuted to life imprisonment. His bravery in the prison yard when a high tension wire breaks, endangering lives, wins for him a parole. Reunited once more with his brother, Cabot goes back to work as a linesman. The first thing he does is to try to win over the affections of Virginia Grey, his brother's fiancee. Arrested on a charge of hitting a man, Cabot induces his brother to help him escape from the jail. The police follow him to the power house, where he had gone for his gun. He attempts to escape by walking across dead high tension wires. Just as he was half way over, the electricity is restored and he is naturally electrocuted. Norris is comforted by Miss Grey, who tells him she would wait for him until he finished serving a prison term for having helped his brother escape.

J. Robert Bren, Kathleen Shepard, and Hal Long wrote the story, and Earl Felton and Harry Ruskin, the screen play; Edward Cahn directed it, and Tom Reed produced it. In the cast are Jean Chatburn, Cliff Edwards, Charley Grapewin, Warren Hymer, and others.

Unsuitable for children or adolescents. Class B.

Excellent, 1½%; Excellent to Very Good, 1½%; Very Good, 1½%; Very Good to Good, 6½%; Good, 10%; Good to Fair, 11¼%; Fair, 21%; Fair to Poor, 14½%; Poor, 32¼%—total 100%.

When one takes into consideration the fact that the box office performances of this company's 1935-36 season's pictures were far below even those of the smaller major companies, 1936-37 has not presented a notable improvement. This will be noticed more clearly in the combined table, which this paper will print when the pictures of all the companies have been shown and reports received.

#### **RKO**

"New Faces of 1937," with Joe Penner, Milton Berle and Harriet Hilliard: Good.

"On Again, Off Again," with Wheeler and Woolscy: Fair to poor.

"Super Sleuth," with Jack Oakie and Ann Sothern: Good to fair.

"The Big Shot," with Guy Kibbee: Fair.

"Toast of New York," with Edward Arnold, Cary Grant, Frances Farmer and Jack Oakie: Good.

"Windjammer," with George O'Brien: Fair to Poor.

"Hideaway," with Fred Stone: Fair to poor.

The number of pictures reported since the beginning of the season is 41, rated as follows:

Very Good to Good, 2; Good, 3; Good to Fair, 9; Fair, 11; Fair to Poor, 12; Poor, 4.

Expressing the number of pictures of the different ratings in round percentage terms, we get the following results:

Very Good to Good, 5%; Good, 7½%; Good to Fair, 22%; Fair, 27%; Fair to Poor, 30%; Poor, 8½%—total, 100%.

The first 41 of the 1935-36 season (including "Powder Smoke Range," which performed Fair) were rated as follows:

Excellent, 3; Excellent to Very Good, 1; Good, 5; Good to Fair, 2; Fair, 10; Fair to Poor, 7; Poor, 13.

Expressing the different groups in round percentage figures, we get the following results:

Excellent, 7½%; Excellent to Very Good, 2½%; Good, 12¼%; Good to Fair, 5%; Fair, 24%; Fair to Poor, 17¼%; Poor, 31½%—total 100%.

The following 1935-36 season's pictures were not reported:

"Wanted: Jane Turner": Fair.

"The Plot Thickens": Poor.

"We Who Are About to Die": Good to Fair.

"The Plough and the Stars": Fair.

#### United Artists

"Walter Disney's Academy Award Review" was the last 1936-37 release, making 20 pictures released in all.

The ratings were printed in the August 7 issue, Expressed in round percentage figures, the results are as follows:

Excellent, 5%; Very Good to Good, 15%; Very Good to Poor, 5%; Good, 30%; Good to Fair, 15%; Fair, 10%; Fair to Poor, 15%; Poor, 5%—total 100%.

In the 1935-36 season only 14 pictures were released. Their ratings, expressed in round percentage figures, are as follows:

Very Good, 141/3%; Very Good to Good, 292/3%; Good, 7%; Good to Fair, 7%; Fair, 21%; Fair to Poor, 14%; Poor, 7%.

#### Universal

"Reported Missing," with William Gargan, Jean Rogers and Dick Purcell, produced by E. M. Asher: Fair to Poor.

The number of pictures released since the first of the season excluding the westerns are 33, rated as follows:

Excellent, 1; Excellent to Very Good, 1; Very Good to Good, 1; Good, 2; Good to Fair, 3; Fair, 13; Fair to Poor, 12.

In round percentage figures the ratings are as follows:

Excellent, 3%; Excellent to Very Good, 3%; Very Good to Good, 3%; Good, 6%; Good to Fair, 9%; Fair, 39%; Fair to Poor, 37%—total, 100%.

The performances of the 22 pictures Universal released in the 1935-36 season, expressed in round percentage figures, are as follows:

Excellent, none; Excellent to Very Good, none; Very Good, 4½%; Very Good to Good, 9½%; Good, none; Good to Fair, none; Fair, 36½%; Fair to Poor, 31¾%; Poor, 18%—total 100%.

A decided improvement.

### THE EXHIBITOR-PARAMOUNT CONTROVERSY

Is the refusal of many exhibitors throughout the land, particularly in the Philadelphia, Minneapolis, Pittsburgh, Milwaukee and the Boston zones, to buy the Paramount 1937-38 season's product lurting Paramount? You can form your own judgment by the following incident, as described by Mo Wax, in the August 14 issue of his Independent Exhibitors' Film Bulletin:

"Louis Phillips, an Important member of the distributor's [Paramount's] legal staff, walked over to Lewen Pizor, leader of U.M.P.T.O., in the court room and, in voice loud enough for us and others to hear, berated the independent exhibitors of the nation engaged in the strike, calling them 'a bunch of loafers and gangsters.' Not once, but three or four times, the esteemed and red-faced counsellor shouted that remark into Pizor's face. In calm tones, the exhibitor leader told Phillips that the theatremen might be interested to know his opinion of them and received the answer, 'Let them know it!'

"Finally, Phillips turned to Neil F. Agnew, general sales manager of Paramount, and asked, 'Am I right, Neil, in saying they are conducting themselves like a bunch of loafers and gangsters?' Then the man who is the ultimate authority in Paramount's sales department, whose every word should be guarded to protect the good will of its six or seven thousand customers, replied, 'You're absolutely right, Louie.'"

The remark of Louis Phillips and the answer of Neil Agnew are astounding. In any other industry, executives who would make such remarks about their customers would be thrown out of the office bodily; in the motion picture industry, they may be hailed as courageous persons.

Why this childish name-calling by the Paramount representatives, who are supposed to be grown-ups?

Suppose the exhibitors should say, to everybody's hearing, "The Paramount salesmen are a bunch of hoodlums and gyppers and we will have nothing to do with them!" Where would be the end? What will be the result? Why don't the Paramount representatives act like adults, and use a little common sense. Then, perhaps, they will discard controversy and adopt compromise.

Here is another proof that Paramount is feeling the effects of the strike: In their efforts to break the strike, they are sending to the striking exhibitors letters and postal cards giving them the supposed names of exhibitors who have already signed up for Paramount product, or have given them play-dates. Among these names are often names of exhibitors who have been out of the exhibition business for three years. One such former exhibitor is L. G. Nordlund, of Erskine, Minnesota. Mr. Nordlund wrote to the exhibitor organization partly as follows:

"... and wish to advise that I sold my theatre at Erskine about three years ago and have not been connected with the show business since. Furthermore, I did not show Paramount product while at Erskine so cannot understand how they got my name in connection with the strike...."

The offer to settle the dispute with exhibitors individually is another method the Paramount sales forces are employing to break the strike. But in this, too, they have failed, for the exhibitors realize what is back of the offer.

The attitude of exhibitors against Paramount is not confined in the zones mentioned alone; according to private advices, exhibitors have pulled out dates and have refused to buy the new product also in zones where the fight is not carried on by an organization.

In their attitude towards the exhibitors of the Philadelphia zone, the Paramount executives are influenced, as this paper has been informed, by Percy Block, the Paramount district manager. According to many exhibitors of that zone, Mr. Block does not understand the territory well, for the reason that he has not covered his territory entirely. He did not so cover it even as branch manager. Besides, these exhibitors assert that Mr. Block's health is not such as to make him a safe counsellor in so grave a situation as has arisen in that territory.

It seems as if there is hardly a Paramount Home Office executive capable of doing cool-headed thinking.

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Vol. XIX

SATURDAY, SEPTEMBER 18, 1937

No. 38

### A Study of the 1937-38 Season's Contracts — Article No. 5

#### Twentieth Century-Fox

SCHEDULE:

The Twentieth Century-Fox contract calls for a maximum of 58 features, or a minimum of 46, not more than five of them to be English-produced, to be released generally during the year beginning August 1, 1937, and ending July 31, 1938.

Excluded from the contract are the pictures that star Eddie Cantor, the Will Rogers reissues, four "Outdoor" pictures, two Tarzans, as well as road-shows, previews and pre-releases.

Blank spaces are provided for the insertion of (1) four classifications, (2) the number of days each picture is to run, (3) the guaranteed license fees, (4) the percentage terms, and (5) the score charge per picture.

A blank space is provided for the insertion of the number of pictures offered and the number licensed. (In this connection read what was said in HARRISON'S REPORTS in the study of the MGM contract, clause Twenty-Eighth, in the August 28 issue.)

The license fees are not "average" license fees.

If the contract holder should, under the 10% cancellation clause, cancel a percentage picture from the A, B, or C class, the distributor has the right to put any other picture in its place, on the terms of the picture cancelled, the intent being to keep the number of A, B, and C pictures intact. Thus the contract holder may cancel pictures only of the lowest allocation.

The distributor reserves the right to designate a number of pictures (to be written in) for preferred playing time.

Blank spaces are provided for the insertion of the admission prices the contract holder is to charge. Should he reduce these prices, he becomes subject to the same penalties as those discussed in the study of the Paramount contract (two paragraphs appearing just below the middle of the first column, first page, September 4th issue).

If the schedule provides that a picture shall play for, let us say, 3 days, and the contract holder books it for only 2 days, he has no right to play it a third day, unless he should sign a new contract for it.

This distributor's contract contains an optional arbitration clause (Editor's Note: Read what was said about a similar clause in the interpretation of clause Twentieth, of the MGM contract, in the August 28 issue.)

#### MAIN CONTRACT:

CLAUSE SECOND (a): The contract runs for one year from the date fixed for the exhibition of the first picture.

(b): Should the distributor breach the contract either by violating the "clearance and run" provisions, or by refusing to deliver some of the pictures, all the damages the contract holder may recover are limited to the rental prices of the pictures involved. The rental for a picture constitutes the limit of damages that may be recovered also by the distributor, should the contract holder refuse to play the picture.

THIRD: Payment of the fixed rental for each picture must be made at least 3 days before the print is shipped.

FIFTH: Should the contract holder receive a damaged print, he must notify the exchange, by telegraph, immediately after the first showing of the film. Otherwise, he is held liable for the damage.

TENTH: This clause provides for the manner in which the application may become a contract. It is the same as clause Ninth of the Paramount contract, discussed in the issue of September 4th.

ELEVENTH: The salesmen's promises are not binding unless they are written into the contract.

TWELFTH: This clause relates to the assignability of the contract. (Editor's Note: Read what was said about a similar provision in the interpretation of clause Nineteenth, of the MGM contract, in the August 28 issue.)

FOURTEENTH: If either party to the contract is unable to perform with respect to some of the licensed pictures, for causes beyond its direct control, and so notifies the other party, in writing, the contract is deemed terminated as to those pictures.

FIFTEENTH (Cancellation Clause): This clause is excellent; it offers the same advantages as the 10% cancellation provision contained in clause Twenty-Eighth of the MGM contract, with the additional advantage of giving the contract holder a period of 10 days, counting from the time the availability notice is sent to him, during which he may cancel the picture.

NINETEENTH: The distributor has the right to roadshow any of the licensed pictures in some of the exchange territories, without roadshowing them in all the other exchange territories, except that no more than two such pictures may be roadshown in either New York City or Los Angeles.

Provision is made for the exclusion from the contract, if the distributor so wishes, of any picture roadshown. In such a case, the contract holder has the right to cancel one other picture.

The time limit within which the contract holder may avail himself of such right is, however, so short that, should he wish to take advantage of it, he will have to send his written cancellation notice at the very moment he receives the notice of the exclusion from the contract of the roadshow picture; he should not wait until he receives the availability notice of the picture he desires to cancel to send his notice.

On separate contracts Twentieth Century-Fox is selling (1) two pictures starring Eddie Cantor, (2) two Tarzan pictures, (3) four outdoor pictures, and (4) four Will Rogers re-issues.

The contract for the two Eddie Cantor pictures presents for exhibitors a difficulty similar to the one pointed out in the Harrison's Reports issue of August 15, 1936, in the study of the Columbia contract for Frank Capra productions: When the application is accepted by the distributor, it becomes a contract; but under it, the contract holder must accept one or two pictures, at the option of the distributor. Should the distributor, however, decide to refuse delivery of both pictures, the exhibitor has no redress.

This unfair condition is brought about by the road-show provision: Although the contract calls for only two pictures, the road-show clause gives the distributor the right to road-show two pictures and to exclude such pictures from the contract. By road-showing one of the pictures, or both, the distributor frees himself from the obligation of delivering these pictures to the contract holder.

HARRISON'S REPORTS suggests that, when an exhibitor buys the Eddie Cantor pictures, he insert into the contract the following provision:

"The distributor agrees that it will not road-show more than one of the pictures licensed hereunder. If either of such pictures is road-shown, the distributor shall not have the right to exclude it from this contract, but shall deliver it to the exhibitor hereunder upon the completion of the road-showing; in no event, however, later than six months after July 31, 1938."

### "Double Or Nothing" with Bing Crosby and Martha Raye

(Paramount, Sept. 17 [1937-38]; time, 90 min.)

Entertaining! There's no story to speak of, and the action lags at times; but to the masses this is probably of minor importance, for Bing Crosby sings several numbers, Martha Raye sings and clowns, and the romance is pleasant. The picture ends in a spectacular fashion, with exceptionally good novelty vaudeville acts; of these, the outstanding are a Sing Band, consisting of a mixed chorus, and the comedy-adagio dance team of Ames and Arno, who throw each other around the place. There is plentiful comedy:—

According to the will of an eccentric millionaire who had died, twenty-five purses, each containing a one hundred dollar bill, were to be placed in conspicuous parts on different streets. Each purse had the name and address of a law firm to which it was to be returned. To those who would bring these purses back, another gift of \$5,000 was to be given, and the one who would, besides, double that amount in thirty days, honestly, would inherit the entire estate. The four honest persons turn out to be Crosby, Miss Raye, Andy Devine, and William Frawley. They agree amongst themselves that the one to win first was to keep one-half of the estate, the other half to be divded amongst the three others. Samuel S. Hinds, brother of the deceased millionaire, and his family, in order to cheat these four of the estate, lay down plans to thwart their efforts. Hinds enlists the aid of Mary Carlisle, his daughter with whom Crosby had fallen in love. His plan works with all except Crosby, who outwits him. What makes Crosby happy is the fact that Miss Carlisle had repented and promised to marry him even if he had no money. And now he had the money and the girl he loved.

M. Coates Webster wrote the story, and Charles Lederer, Erwin Gelsey, John C. Moffitt, and Duke Atteberry, the screen play; Theodore Reed directed it, and Benjamin Glazer produced it. In the cast are Benny Baker, Fay Holden, Gilbert Emery, and others.

Suitability, Class A.

### "Big City" with Luise Rainer and Spencer Tracy

(MGM, Sept. 3 [1937-38]; time, 79 min.)

Very good mass entertainment. Smart showmanship went into its making, for the story itself didn't offer anything unusual; it is the way it has been handled that makes it so good. It has human interest, a tender romance, which should appeal well to women, and thrilling melodramatic situations for men. The action is fast throughout, and the picture ends so excitingly that audiences should cheer it, for there is shown a free-for-all fight, in which take part, in a logical way, famous fighters such as Jack Dempsey, James J. Jeffries, Jimmy McLarnin, Maxie Rosenbloom, Jim Thorpe, Frank Wykoff, Man Mountain Dean, and many others. Some situations provoke laughter, and some cause tears. The drawing power of Luise Rainer and Spencer Tracy is another factor to be considered:—

Tracy, an independent taxical driver, is blissfully happy with his immigrant wife (Miss Rainer), who was expecting a baby. A large taxicab outfit, determined to drive the independents off the street, hires thugs as drivers, with orders to start fights and break up the cabs of the independents. Victor Varconi, Miss Rainer's devoted brother, also an independent driver, decides to join the gangster outfit in order to get inside information. But the outfit is tipped off by John Arledge, who posed as a friendly independent. Miss Rainer asks Arledge to take a raincoat to her brother at the garage; and just on that night the gang-sters blow up the garage, killing Varconi. But they pin the blame on the independents, asserting that the coat Miss Rainer had sent contained a bomb. Not having been in the country long enough to become a citizen, Miss Rainer is ordered deported. Their friends take turns in hiding her. But in time she realizes that she was becoming a burden and gives herself up. The day on which she was put aboard the ship, Tracy finds out the truth and rushes with the information to the Mayor, who was attending a dinner at Dempsey's Restaurant, together with old-time fighting favorites. In company with the fighters, the Mayor rushes to the pier in time to take Miss Rainer off. While she was giving birth to a baby in an ambulance, the independents, helped by all the famous fighters, knock out their gangster rivals.

Norman Krasna wrote the story, and Dore Schary and Hugo Butler, the screen play; Frank Borzage directed it, and Norman Krasna produced it. In the cast are Charley Grapewin, Janet Beecher, Eddie Quillan, and others.

Suitable for all. Class A.

#### "Back In Circulation" with Joan Blondell, Pat O'Brien and Margaret Lindsay

(First Nat'l., Sept. 25 [1937-38]; time, 81 min.)

Fast action, comedy, and a melodramatic twist are the ingredients that make this picture very good mass entertainment. The hero and the heroine are at first presented as unpleasant characters; but their later efforts to bring about justice for the woman whom they had victimized win one's sympathy for them. It starts out as a typical newspaper yarn, centering around the bickering between Joan Blondell, a flippant reporter, and Pat O'Brien, a tough editor; but it gradually develops into an absorbing melodrama. Miss Blondell gives a good performance; she makes the reporter character believable and finally likeable:—

When O'Brien, editor of a tabloid newspaper, receives an anonymous letter asserting that a certain millionaire, who was supposed to have died of a heart attack, and who was to be buried that afternoon, had been poisoned, he immediately sends Miss Blondell, his best reporter, to cover the story. Because of Miss Blondell's insistence, the authorities stop the funeral and order the coroner to perform an autopsy; he finds in the dead man's stomach considerable poison. Egged on by O'Brien, who wanted to quash a libel suit that had been brought against him by the widow (Margaret Lindsay) of the poisoned man, the authorities charge her with the murder. Refusing to talk at the trial, she is found guilty and sentenced to die. By this time Miss Blondell is certain that Miss Lindsay was innocent. She enlists the aid of Dr. John Litel, in love with Miss Lindsay, to help her get the truth from the condemned woman. She finally succeeds; Miss Lindsay tells her that her husband had poisoned himself, leaving a note in which he accused Litel of being his wife's lover; and, not wishing to ruin Litel's career, she had refused to talk, preferring to go to her death. Miss Blondell turns the letter over to the authorities, and naturally Miss Lindsay is freed. She marries Litel. Miss Blondell finally induces O'Brien to marry her.

Adela Rogers St. John wrote the story, and Warren Duff, the screen play; Ray Enright directed it, and Sam Bischoff produced it. In the cast are Eddie Acuff, Craig Reynolds, George E. Stone, and others.

Morally suitable for all. Class A.

### "Something to Sing About" with James Cagney

(Grand Nat'l., Sept. 3 [1937-38]; time, 911/2 min.)

A good box-office attraction, despite the weak story. Grand National has given this a production worthy of a major company release. Cagney's fans are in for a surprise; he appears in a romantic part, sings and dances, and even has his hair curled. Nothing can, however, keep the Cagney spirit down; whenever the opportunity presents itself he breaks through the part, wisecracking in his customary style. The studio scenes, with its picture-making details, should appeal to picture-goers. One of the most amusing situations is where Cagney, enraged because of a trick played on him during the filming of a picture by one of the extras, who purposely knocked him out, loses his temper and knocks out all in sight. The romance is pleasant:—

Before going to Hollywood to start on a picture career, Cagney, leader of a band, becomes engaged to Evelyn Daw. a singer with the band. Gene Lockhart, head of the studios, warns every one not to tell Cagney how good he was; Cagney is thus led to believe that he was a "flop." When the picture is finished, he telephones to Miss Daw, in New York, and asks her to take the next plane to California. Upon her arrival, they marry and sail on a tramp steamer, without letting any one know of their plans. When Cagney's picture is acclaimed, Lockhart is frantic trying to locate him. When Cagney returns to the States he finds himself a star. But the studio insists that his marriage be kept a secret. Miss Daw, unhappy because of the secrecy which separated her from Cagney, decides to take his advice to go back east to wait for him until he finished his picture. As a publicity stunt, Cagney's leading woman publishes an announcement of their engagement. Fearing lest the story might have a bad effect on Miss Daw, Cagney rushes to her by plane. Everything is explained; and they are happy that the news of their marriage had finally leaked out.

Victor Schertzinger wrote the story and directed the picture; Austin Parker wrote the screen play, and Zion Myers produced it. In the cast are William Frawley, Mona Barrie, James Newill, and others.

Suitability, Class A.

#### "The Firefly" with Jeanette MacDonald, Allan Jones and Warren William

(MGM, Roadshow [1937-38]; time, 138 min.)

For all its lavishness and beauty, its charming music and pleasant romance, "The Firefly" is pretty dull in spots. This is owed to the somewhat stilted story. When Miss MacDonald and Allan Jones sing, the spectator is entranced; but when they stop, he becomes restless. Nor is the acting all that it could have been; there is no subtlety in Miss MacDonald's impersonation of the Spanish spy. But for all this, it undoubtedly will do well at the box-office, because of the picture's lavishness, as well as of Miss Mac-Donald's popularity. The action takes place during Napoleon's reign:-

Nina Azara (Miss MacDonald), a beautiful Spanish performer at a Madrid cafe, has many admirers, none of whom suspects that she was a spy commissioned to find out about Napoleon's plans to invade Spain. She is given orders by the Marquis de Melito (Douglas Dumbrille), adviser to King Ferdinand of Spain, to go to Paris to continue in her activities to gain information. Don Diego (Allan Jones), who had met and presumably fallen in love with Nina, follows her, much to her annoyance at first; but she gradually falls in love with him. She purposely becomes acquainted with Col. de Rougemont (Warren William), one of the principal members of Napoleon's staff, in order to get valuable information. And she does; she finds out that Napoleon was planning to trick her King across the border, there to arrest him. But she, being watched, is unable to get a message through. She plans to send Jones with the message, but finds out in time that he himself was a French spy, who had been working against her. And so the Spanish King falls, and Napoleon's brother is put on the throne. After a few years she again meets Col. de Rougemont and Don Diego. When Rougemont catches her hiding a paper, Diego is compelled to give her identity away. But that was what she wanted; the paper found on her was a survey of the French positions. Napoleon, fearing that the Spaniards knew too much, changes the position. That was what the Spaniards were waiting for; helped by Wellington and the English Army, they vanquish the French and Napoleon, and put the Spanish King back on the throne. But Nina is heartbroken; she had seen Diego fall wounded. She finds him in a hospital and rushes to his arms; they promise never to part.

The plot was based on the operetta by Otto A. Harbach; Frances Goodrich and Albert Hackett wrote the screen play; Robert Z. Leonard directed it, and Hunt Stromberg produced it. In the cast are Billy Gilbert, Henry Daniell,

George Zucco, and others.

Class A.

#### "Prisoner of Zenda" with Ronald Colman, Madeleine Carroll and Doug. Fairbanks, Jr.

(United Artists, Sept. 3 [1937-38]; time, 100 min.)

This costume melodrama (produced once before in 1922, by MGM) has been given a magnificent production, with sepia-tinted photography throughout; this is pleasant to the eye and enhances the beauty of some of the outdoor shots. Although the first part is without exciting action, concentrating instead on the romance, it is interesting, because of the plot developments. But the last part is full of action— intrigue, excitement, and human appeal. The scenes at the moated castle, where the hero single-handed duels with the villain and his aides, thereby saving the kidnapped king, are thrilling. The charming romance, with the eventual parting of the lovers, who considered duty before love, touches one's

Rudolf Rassendyll (Ronald Colman), an Englishman, while on a visit to a kingdom ruled by King Rudolf V (also played by Colman), a far-distant relative, meets the King, who insists that they dine together. Despite the protestations of Colonel Zapt (C. Aubrey Smith), the King drinks himself into a stupor. It is not until the following morning, the day of the Coronation, that Zapt realized that the King had been drugged as part of a plot on the part of Black Michael (Raymond Massey), the King's half brother, who wanted to rule. He felt that if the King failed to show up at his own Coronation he could turn the people against him and take the throne himself. Zapt appeals to Rassendyll, who was the image of the King, to take the King's place for a day. Black Michael is enraged when the supposed King arrives and is crowned. He sends Rupert of Hentzau (Douglas Fairbanks, Jr.), the most corrupt of his aides, to find out what had happened. Rupert finds the King, kid-naps him, and takes him to Black Michael's moated castle.

Rassendyll is naturally compelled to carry on the deception, knowing that Michael could not give him away without involving himself. He falls madly in love with Princess Flavia (Madeleine Carroll), the King's fiancee, as she does with him, believing him to have changed for the better. Eventually he risks his life to save the King. He is helped by Michael's mistress (Mary Astor), who feared lest she lose Michael if he became King, to enter the castle. There he fights exciting duels and finally rescues the King, who is most grateful. He cannot persuade the heart-broken Princess to go back to England with him, for she felt that duty was more important than love.

The plot was adapted from the novel by Anthony Hope: John Balderston wrote the screen play, John Cromwell directed it, and David O. Selznick produced it. In the cast

are David Niven, Lawrence Grant, and others.

Class A.

#### "The Sheik Steps Out" with Ramon Novarro and Lola Lane

(Republic, Sept. 6 [1936-37]; time, 67 min.)

There's not much to recommend in this one. It's too bad that Ramon Novarro had to make his come-back in so trite a story. The familiar "taming of the shrew" plot, the lack of action, and the constant talk tire the spectator. No one does anything to awaken sympathy:-

Flip Murdock (Lola Lane), daughter of millionaire Sam Murdock (Gene Lockhart), is determined to buy a horse from Sheik Ahmed Ben Nesib (Ramon Novarro), in order to race it against the horse of Lord Byington (Robert Coote), whom she had promised to marry if his horse should win. Sheik Nesib, having heard about the arrogant Flip, decides to teach her a lesson. Posing as a guide, he undertakes to lead her to the "Sheik." In accordance with his orders, his men stage an attack. The Sheik then tells Flip that the only way to save herself was to pretend to marry him; they go through a ceremony. Realizing that she was falling in love with him, she runs away and is found by a searching party. When the real guide turns up and tells her who her first guide really was, she is so angered that she decides to marry Byington, but is stopped in time by the Sheik, who informs her that he loved her and that their marriage was legal. Flip is happy.

Adele Buffington wrote the story and screen play; Irving Pichel directed it, and Herman Schlom produced it. In the cast are Kathleen Burke, Stanley Fields, Billy Bevan, and

others.

Morally suitable for all. Class A.

#### "100 Men and a Girl" with Deanna Durbin and Adolphe Menjou

(Universal, Sept. 12 [1937-38]; time, 84 min.)

Excellent! It is to the credit of the producers that it turned out so entertaining, for the story is very simple—the excellent results obtained are due to its masterful handling by the producer as well as the director. Needless to say Deanna Durbin is delightful; she sings enchantingly, and acts with just the proper amount of exuberance. One of the pleasurable surprises is the work of Leopold Stokowski, the famous conductor; he acts with ease, winning one by his appealing manner. The music is of the highest order, coming as a welcome relief from the swing music one hears in most pictures. There is plentiful comedy:-

The story deals with the efforts of Miss Durbin to secure for her father (Adolphe Menjou) a post on a symphonic orchestra. Alice Brady, the nit-wit wife of a millionaire, promises to sponsor an orchestra if Miss Durbin should be successful in getting one hundred good musicians together. With the help of her father and Mischa Auer, another musician, she rounds up 100 unemployed musicians, who start rehearsals under Menjou's direction. Their hopes are, however, shattered when they learn that Miss Brady had gone to Europe. Miss Durbin appeals to Miss Brady's husband, but he refuses to sponsor an unknown orchestra. Miss Durbin, however, after many disappointing attempts, succeeds in inducing the famous conductor Stokowski to lead the orchestra for one night in order to establish them. This brings success to the orchestra, and joy to the heart of Miss Durbin, who is happy to see her father once again playing in an orchestra.

Hans Kraly wrote the story, and Charles Kenyon, Brucc Manning, and James Mulhauser, the screen play; Henry Koster directed it, and Joe Pasternak produced it. In the cast are Eugene Pallette, Billy Gilbert, Alma Kruger, and

others.

Suitable for all, Class A.

### BOX-OFFICE PERFORMANCES OF THE 1936-37 SEASON'S PICTURES—No. 3

#### Warner Bros. Pictures

"Footloose Heiress," produced by Bryan Foy: Fair.

Warner Bros. has delivered the full number of pictures it sold—27 regular features and 3 westerns.

The 27 features have been rated as follows in accordance with their box-office performances:

Very Good, 1; Very Good to Good, 3; Very Good to Poor, 1; Good, 3; Good to Fair, 6; Fair, 10; Fair to Poor, 3.

Expressed in round percentage terms, the results are as follows: Very Good, 3¾%; Very Good to Good, 11%; Very Good to Poor, 3¾%; Good, 11%; Good to Fair, 22¼%; Fair, 37%; Fair to Poor, 11¼%—total, 100%.

The box office performances of the 1935-36 season's pictures were rated as follows:

Excellent, 1; Very Good to Good, 1; Good, 6; Good to Fair, 6; Fair, 5; Fair to Poor, 8-altogether 27 pictures.

Expressed in round percentage terms, the results are as follows: Excellent, 33/4%; Very Good to Good, 33/4%; Good, 221/4%; Good to Fair, 221/4%; Fair, 181/2%; Fair to Poor, 291/2%—total, 100%.

· A slight improvement.

#### Warner-First National

The combined number of pictures First National and Warner Bros. have released during the 1936-37 season is 53; they have been rated as follows:

Very Good (1), 2%; Very Good to Good (6), 11¼%; Very Good to Poor (1), 2%; Good (8), 15%; Good to Fair (11), 20¼%; Good to Poor, (1), 2%; Fair (15), 28½%; Fair to Poor (8), 15¼%; Poor (2), 3¾%—total, 100%.

The number of pictures these two companies released during the 1935-36 season was 52 (First National, 25; Warner Bros., 27). Expressing their ratings in round percentage terms, we get the following results:

Excellent (3), 534%; Very Good (2), 334%; Very Good to Good (2), 334%; Good (9), 1744%; Good to Fair (10), 194%; Fair (14), 2744%; Fair to Poor (10), 194%; Poor (2), 334%—total, 100%.

By comparing the performance percentages of the two seasons, you will notice that the box office performances of the 1936-37 season's pictures of the two companies combined fell considerably under those of the 1935-36 season.

### PARAMOUNT LOSES FIRST ROUND IN ITS LEGAL BATTLE WITH EXHIBITORS

The Paramount application to the Philadelphia District Court for a permanent injunction against the Philadelphia zone exhibitor organization and many of its members individually on the ground that they violated the Sherman Act when they declared a boycott against it has, as you no doubt know by this time, been dismissed by Judge Oliver B. Dickinson, on the ground that the court lacked jurisdiction.

"The effect of a refusal to exhibit the films of the plaintiff upon transactions in Interstate Commerce," said Judge Dickinson, "is too indirect and remote to be within the provisions of the Sherman Act or its supplements so as to confer jurisdiction upon this Court to enjoin the commission of the acts complained of."

Judge Dickinson's decision has proved to Paramount a shock; in a statement to the trade press, Neil Agnew, its general manager, said that there was, in his opinion, a "misconception of facts... and that the decision cannot stand on appeal." He informed the industry that Paramount would appeal from the decision.

The exhibitors, not only of the Philadelphia territory, but also of all other territories, are jubilant—as jubilant as the Paramount executives are downcast. And yet the exhibitors of Philadelphia are not going to prove vindictive; they will merely take whatever lawful measures are necessary to protect themselves from a seller who has little regard for their interests. They will not resort to picketing of the theatres that play Paramount pictures, but are determined upon consolidating their buying power so that, in the future, Paramount may deal, not with individual exhibitors, but with a combination of them.

That Paramount should appeal from Judge Dickinson's decision is no surprise to the exhibitors, for they reason that

a company whose heads have been so blinded as to fight its customers in the courts instead of offering to settle the dispute in an amicable manner cannot take its defeat gracefully; it prefers to prove its contention right, regardless of how much good will it may lose.

When the fight first started Paramount could have settled it with a small concession. But instead of adopting rational methods it adopted tactics that have hrought to the exhibitors' hearts, bitterness that will remain even after the dispute is settled, whether amicably or through the courts. Its sales representatives employed all kinds of misrepresentations so as to break down the exhibitors' spirit. They told each exhibitor individually that he was the only one who had pulled out his dates and had refused to sign a contract for the new product, that Paramount would sell his run to his competitor, that it would sue him for breach of contract, and a hundred other similar statements, the effect of which was to frighten the exhibitor into capitulating. But all these have proved useless, for the strike leaders saw to it that each exhibitor was given the full facts.

Although the month of August is over, play-dating of Paramount pictures by the striking exhibitors has not been resumed, and, according to information received by Harrison's Reports, it will not be resumed until the strikers receive satisfaction from Paramount, and until Paramount gives up the idea of looking into their books to learn how much is their overhead so as to make up its mind what terms it should impose on them.

HARRISON'S REPORTS has suggested through these columns to Paramount to dispose of this controversy, not by court action, but by negotiation with the exhibitor leaders. This paper still is of the opinion that its suggestion is the only sensible method of settling the dispute; it is a method that will not leave scars.

#### COLUMBIA MAY LOSE ITS BEST ASSET

Frank Capra has filed a suit in the Superior Court in Los Angeles asking for a release from his contract with Columbia on the ground that Columbia has failed to pay him \$100,000 it owed him, overdue since February 16, the day on which he notified the company that he considered his contract terminated.

In a statement to the trade press, Columbia expressed the conviction that the differences between it and a "valued employee of the organization will be cleared up either legally or through a clarification of the present misunderstanding."

HARRISON'S REPORTS almost predicted that this break up would come: in discussing "Lost Horizon" editorially in the April 3 issue, it made the following remark:

"Will Mr. Capra be hereafter satisfied to produce pictures that cost less than one and one-half million dollars? Will he be happy with pictures that cost less than a million?

"I would not be surprised if Harry Cohen lost his hold on Capra as a result of this picture."

If Columbia should lose Frank Capra it will lose its best asset, for the prosperity of Columbia was owed mostly to the Capra pictures; exhibitors would book the Columbia product mostly with the hope of getting this director's pictures.

By withdrawing "Lost Horizon" from the 1936-37 season's contracts, Columbia certainly showed utter disregard for the moral rights of the contract-holders; it acted as if it did not give a "hoot" for exhibitor good will. And the exhibitors would have taken appropriate action were it not for the bigger battle they have on their hands.

With the loss of Capra, Columbia will need the good will of the exhibitors it once defied, for its salesmen will no longer be able to use the Capra pictures as a selling argument.

### THE STATUS OF THE PLAY-DATE STRIKE IN OTHER ZONES

In Philadelphia, Paramount has appealed from Judge Dickinson's decision.

In Minneapolis, the matter is now in the hands of Judge Nordbye. The affidavits submission of which the Judge directed by September 8 have been submitted. Decision is expected within a few days.

In Los Angeles, the situation has not been altered: the exhibitors are refusing playdates.

The Milwaukee zone strikers are standing firm; not one of them has deserted the ranks.

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SATURDAY, SEPTEMBER 25, 1937

No. 39

### A Study of the 1937-38 Season's Contracts – Article No. 6

#### **United Artists**

#### SCHEDULE:

Blank spaces are provided for the insertion of (1) the titles of the pictures, (2) the names of either the stars or the directors, (3) the number of days and the days of the week each picture is to run, (4) the score charge, (5) the flat rental, (6) the percentage terms, and (7) the minimum admission prices the contract holder is to charge.

Then follows a foot-note making the application individual for each picture, even though one form of application is used for all the pictures. The distributor may approve the application as to 1, 2, 3, or more, of the pictures written into the schedule, and reject the application as to the remaining pictures. The application then becomes an individual contract for each picture the distributor approves.

The contract covers only such pictures as are specifically described in the schedule, and does not include any other pictures that may be produced by the producers who distribute their product through United Artists.

#### MAIN CONTRACT:

THIRD CLAUSE (a): The fixed rental must be paid at least 7 days before the playdate of each picture.

(b): On percentage pictures, the contract holder must set apart, as trust funds, the distributor's share of the gross receipts as soon as the money comes into the box-office.

Sixth: During the time a picture is roadshown, it is under the control of the producer; only after the completion of the roadshowing does it become available for general release by the distributor (United Artists). If the road-show should be in the immediate vicinity of the contract holder's theatre, in the same zone, (as the word "zone" is understood in the motion picture industry), either the contract holder or the distributor has the right to cancel it within 15 days afer the road-show begins.

SEVENTH (1): The licensed pictures are to be released generally within 20 months from the date of the contract. Should the distributor be unable to release some of them during that time, as a result of a producer's failure to deliver them to the distributor, the contract is deemed terminated with respect to those pictures.

(6): The contract holder agrees to exhibit the pictures in accordance with the sequence of their release.

NINTH (b): Should the contract holder receive a print either late or in a damaged condition, or should he fail to receive it, he must notify the exchange, by telegraph, within 24 hours after the playdate of the picture. Otherwise, he has no redress.

ELEVENTH (b): If the contract provides that the pictures be played subsequent run, the contract holder agrees to play them without a prior run, should United Artists so decide.

FIFTEENTH: The distributor either may refuse to deliver a film until the contract holder has paid all indebtedness incurred under either this or any other agreement, or may attach to it a C.O.D. charge for such indebtedness.

SEVENTEENTH: The salesmen's promises are not binding unless they are written into the contract. And no modification of the contract is binding unless put into writing.

#### THE PLAY-DATE AND PICTURE-BUYING STRIKE AGAINST PARAMOUNT

PHILADELPHIA: A hearing was held on September 13 in the Circuit Court of Appeals on the Paramount appeal from Judge Dickinson's decision, at which time Paramount also requested the continuance of the restraining order.

The court set October 4 as the date of the hearing on the appeal, but held under advisement the request for the continuance of the restraining order.

It should be of interest to all exhibitors to know that the Paramount attorneys, in their argument to the Court, stated that their company's business was practically shut off in the Los Angeles, the Minneapolis, and the Philadelphia territories, and that Paramount was feeling the effect of this boycott throughout the country.

Up to September 13, owners of 161 theatres had signed a Power of Attorney, authorizing the special exhibitor committee to buy Paramount pictures for them, and within a short time the expectation is that the number will be 200.

The effectiveness of the strike in that zone may be judged by the following authenticated figures, the result of the checking up of 340 Paramount accounts, including Warner Bros., Comerford, and Wilmer & Vincent:

During the week of August 15, only 24 Paramount pictures were shown in 24 out of the 340 theatres; during the week of August 22, only 38 Paramount shows played; during the week of August 29, there were only 39 shows; and during the week of September 5, only 31 shows.

Remember that the 340 theatres include, as I have already stated, Warner Bros., Comerford, and Wilmer & Vincent theatres. These theatres are not cooperating in the strike.

#### "Annapolis Salute" with Harry Carey, James Ellison and Marsha Hunt

(RKO, September 10 [1937-38]; time, 65 min.)

Fair program entertainment. The story is simple; but it has some human interest and comedy, and should appeal particularly to those who are interested in the routine life at the U. S. Naval Academy. Since the picture was photographed at Annapolis, it has an authentic flavor. Most of the comedy is provoked by the bickering and rivalry between the midshipmen. The love interest is mildly pleasant:—

James Ellison and Van Heflin, two midshipmen, are unfriendly towards each other. Their enmity flares up anew when they both are attracted to the same girl (Marsha Hunt), who had come to the Academy to visit her brother (Arthur Lake). She shows her preference for Ellison, who decides to give up his career to marry her. His father (Harry Carey), a chief petty officer in the Navy, who had dreams of his son's future, is heartbroken when he hears talk of quitting. He speaks to Miss Hunt and makes her understand; she sends a note to Ellison, calling off their engagement. This so angers Ellison that he rushes to her room, which was against the rules. When he innocently becomes involved in an automobile accident in which a young girl was injured, he realizes that he could not clear himself, for if he were to do so he would have to involve Miss Hunt by saying that he had been in her room. Heflin, who had grown to like Ellison, comes to his rescue by forcing a confession from the injured girl. Ellison is cleared and sets out to finish his school work, knowing that Miss Hunt would wait for him.

Christy Cabanne wrote the story, and John Twist, the screen play; Christy Cabanne directed it, and Robert Sisk produced it. In the cast are Ann Hovey, Dick Hogan, and others.

Suitable for the entire family. Suitability, Class A.

#### "Music for Madame" with Nino Martini and Joan Fontaine

(RKO, Oct. 1 [1937-38]; time, 801/2 min.)

Fair. The main attraction is Nino Martini's voice, for the story is not particularly exciting; as a matter of fact, the action is slow. Music lovers will find satisfaction in listening to Mr. Martini sing, but it is doubtful if the masses will be equally entertained. There is comedy, but not of the uproarious kind, for most of it is provoked by the antics of a stupid detective, which is silly at times. Nor are the studio scenes novel, for lately many pictures have had similar shots, and nothing unusual is shown here. It should find its best outlet in theatres that cater to high-class audiences:—

Martini's voice, coming from the bus in which he was travelling to Hollywood where he hoped to get into pictures, attracts Bradley Page and Frank Conroy, two crooks, posing as Hollywood agents; they suggest that he ride in their car for the rest of the trip, which he gratefully accepts. They promise to introduce him to a famous producer. But their real plan was to dress Martini in a costume, take him to the wedding reception being given by this producer for his daughter, and have him sing so as to divert everyone's attention while they stole a pearl necklace. Their plan works; they then hurry Martini out of the house, and later drop him on the road. When he finds out what had happened he is heartbroken, for he realized that if he sang again he would be recognized and arrested. Falling in love with Joan Fontaine, a composer working as an extra in pictures, he tells her who he is, and they part. He offers to give himself up, claiming that Lee Patrick, Miss Fontaine's girl friend, had captured him, in doing so, his purpose being to have Miss Patrick collect the \$25,000 reward offered for him so as to have money to produce Miss Fontaine's operetta. After an exciting time, during which Martini had found it difficult to convince the authorities of his identity, everything is straightened out. The crooks are captured and they confess, thereby clearing Martini. With his future assured, Martini proposes to Miss Fontaine.

Robert Harari wrote the story, and Mr. Harari and Gertrude Purcell, the screen play; John Blystone directed it, and Jesse L. Lasky produced it. In the cast are Erik Rhodes, Alan Mowbray, Alan Hale, Billy Gilbert, and others.

Suitable for all. Class A.

#### "Stage Door" with Katharine Hepburn and Ginger Rogers

(RKO, October 8 [1937-38]; time, 90 min.)

Excellent I Judging by the results, it seems as if every one was inspired in the making of this picture. The performances, from the stars to the bit players, are superb. Aside from Katharine Hepburn and Ginger Rogers, the outstanding personality is Andrea Leeds, a newcomer, who acts with such persuasiveness and with so deep an understanding of the requirements of her part, that each time she appears one is interested in her alone. The story is novel, offering entertainment for all types of audiences, that is—comedy, scintillating dialogue, deep human appeal, and tragedy. One situation towards the end is so powerful in its emotional appeal that it will bring tears to everyone's eyes. The romantic interest is incidental:—

The story revolves around a group of young actresses. who live at the Footlights Club, a theatrical boarding house. The girls, with the exception of Miss Leeds, are flippant; but she takes acting seriously and is respected by the others for her talents. To this house comes Miss Hepburn, a society girl, determined to make good on the stage. She doesn't get along very well with the girls, particularly with Miss Rogers, her room-mate; they do not understand her. Miss Leeds' one ambition was to get the leading part in a play to be produced by Adolphe Menjou; she felt as if the part had been written for her. But Menjou, secretly financed by Miss Hepburn's wealthy father, who felt that his daughter would be a flop and would, therefore, leave the stage after her first performance, gives the part to Miss Hepburn. In the meantime, Menjou tries to become intimate with Miss Rogers, who danced at a night club; but she demanded marriage as a price, a demand which he refuses, for at heart he was a philanderer. On the opening night of the play, Miss Leeds, miserable and discouraged, kills herself. Miss Rogers rushes to Miss Hepburn's dressing room and denounces her for having taken the part away from Miss Leeds, causing her to kill herself. Torn by grief, Miss Hepburn gives an inspired performance and becomes a star over night. In her curtain speech, she gives credit to the dead girl, saying that she should have had the part. This brings about a reconciliation between her and Miss Rogers. Despite her success, Miss Hepburn continues living at the Footlights Club, where life keeps on in the same

The plot was adapted from the stage play by George S. Kaufman and Edna Ferber; Morrie Ryskind and Anthony Veiller wrote the screen play, Gregory La Cava directed it, and Pandro S. Berman produced it. In the cast are Gail Patrick, Leona Roberts, Marjorie Lord, Lucille Ball, and others.

Class A.

### "Charlie Chan on Broadway" with Warner Oland

(20th Century-Fox, Oct. 8 [1937-38]; time, 671/2 min.)

This exciting murder-mystery melodrama should satisfy the followers of the Charlie Chan series amply. Warner Oland is as good as ever in the part of Chan; he provokes laughs by his efforts to hold down his exuberant number one son (Keye Luke), and by his quoting of proverbs. The murderer's identity is so well concealed that one does not even suspect him and is, therefore, completely surprised when Chan exposes him. The night club scenes provide a chance for some musical numbers:—

Chan, upon his arrival in New York from Europe, becomes embroiled in a murder case. He is interested in the case because the victim (Louise Henry) had come across on the same liner with him, and her actions had aroused his suspicions. Chan finds out that the murdered girl had kept a diary and had noted down damaging evidence against many important men; her purpose in coming back to New York had been to blackmail these men. Eventually Chan proves that Donald Wood, a newspaper reporter, had committed the murder in order to obtain the diary in which he, too, had been exposed.

Art Arthur, Robert Ellis, and Helen Logan wrote the story, and Charles Belden and Jerry Cady, the screen play; Eugene Forde directed it, and John Stone produced it. In the cast are Joan Marsh, J. Edward Bromberg, Douglas Fowley, Harold Huber, and others.

Unsuitable for children. Good for adults. Class B.

## "Forty Naughty Girls" with James Gleason and Zasu Pitts

(RKO, Sept. 24 [1937-38]; time, 621/2 min.)

A fair program comedy-murder melodrama. One detects the murderer's identity easily, for the plot is developed along simple lines. At no time is one held in tense suspense. James Gleason and Zasu Pitts again enact the parts of the police inspector and the snoopy school teacher respectively; they provoke laughter by the methods they employ to solve the case, and also by their constant bickering:—

During the performance of a musical comedy, the press agent for the show is murdered. The producer, who knew that Gleason and Miss Pitts were in the audience, calls them backstage. While the investigation is going on, the leading man is murdered. Miss Pitts finally solves the case by proving that the producer, jealous of an affair his fiancee had had with the press agent, had killed him, and, knowing that the leading man had seen him commit the murder, had killed him, too.

Stuart Palmer wrote the story, and John Grey, the screen play; Eddie Cline directed it, and William Sistrom produced it. In the cast are Marjorie Lord, George Shelley, Joan Woodbury and Frank M. Thomas.

Unsuitable for children. Harmless for adults. Class B.

#### "Bulldog Drummond Comes Back" with John Barrymore, John Howard and Louise Campbell

(Paramount, September 24 [1937-38]; time, 59 min.)

A fair program melodrama, suitable for followers of mystery yarns. The story is extremely far-fetched; nevertheless, the action is pretty exciting, holding the spectator in suspense throughout. Those who have seen the old "Bulldog Drummond" pictures, however, may be disappointed, for this version is not as good either in production or in general entertainment values:—

John Howard (Bulldog Drummond) decides to give up his adventurous way of living and to marry Louise Campbell. He is, however, dragged into another exciting encounter with two murderous crooks, who kidnap Miss Campbell in order to get even with Howard, the person who had been responsible for sending their leader to his death. They leave mysterious clues for him to follow, and warn him that, if he should not be able to decipher these clues, Miss Campbell would be killed. Despite Howard's request that the police be kept out of the chase, John Barrymore, Scotland Yard inspector, follows him, and by means of many different disguises keeps his presence unknown. The crooks finally trap Howard and then put him with Miss Campbell in an air-tight room, which they were filling with poison gas. With the help of E. E. Clive, Howard's butler, they escape just before the gas explodes. Barrymore captures

The plot was adapted from the novel "Female of the Species" by H. C. McNeile. Edward T. Lowe wrote the screen play, and Louise King directed it. In the cast are Reginald Denny, J. Carrol Naish, Helen Freeman, and others.

Suitable for all. Class A.

# "Counsel for Crime" with Otto Kruger, Douglass Montgomery and Jacqueline Wells

(Columbia, September 14 [1937-38]; time, 60 min.)

This heavy drama is fashioned along familiar lines and makes only fair program entertainment. In the main, it is not pleasant, for father and son are pitted against each other, (without the son's knowing of the relationship). What displeases the spectator is the fact that the father (Otto Kruger) is prosecuted by his vindictive son (Douglass Montgomery) and is sentenced to life imprisonment without the son's realizing the injustice of the whole thing. The father had killed a man in self-defense, when the murdered man had attempted to take from him a document which gave the facts of Montgomery's illegitimacy. Montgomery was the offspring of Kruger and Nana Bryant, who had not been married; Miss Bryant was now the respected wife of a Senator. Of course, the gesture on Kruger's part to save both Miss Bryant and Montgomery from disgrace is praiseworthy; nevertheless it is disturbing, for no one likes to see an innocent man go to prison for life. The story is far-fetched in some details, and not particlarly edifying in others. For instance, Kruger is shown defending men he knows are guilty of murder, because of the large legal fees he received. Montgomery, who had worked for Kruger until he found out about his crooked practice, had then become associated with the District Attorney's office, waiting for Kruger to make one slip so that he might prosecute him; consequently, when Kruger was charged with murder, Montgomery prosecuted him, obtaining a verdict of guilty against him. A romance between Montgomery and Jacqueline Wells, Kruger's secretary, is hinted at but at the end is left hanging in the air.

Harold Shumate wrote the story, and Fred Niblo, Jr., Grace Neville, Lee Loeb and Harold Buchman, the screen play; John Brahm directed it, and Wallace MacDonald produced it. In the cast are Thurston Hall, Gene Morgan, and others.

Unsuitable either for children or for adolescents. Adult fare. Class B.

#### "Fit for a King" with Joe E. Brown, Paul Kelly and Helen Mack

(RKO, October 15 [1937-38]; time, 73 min.)

A fair program comedy, suitable mostly for those who are Joe E. Brown fans. The story is weak; it doesn't give Brown a chance for his customary clowning. Only in one or two instances is he able to overcome the triteness of the plot, and provoke laughter by his antics. The best part is towards the end, where Brown, by means of various conveyances, such as a bicycle, motorcycle, and hay wagon, rushes after the scheming prime minister (Halliwell Hobbes) who was taking the deposed queen (Helen Mack) back to her country where his hired assassins were waiting to kill her. Some of the comedy is provoked by the methods which Paul Kelly, a rival newspaper correspondent, employs to prevent Brown, also a newspaper correspondent, from getting information to his paper. However, in the end Brown outwits Kelly by sending the news of his rescue of the queen to his paper and then tearing out the telephone wires, thus preventing Kelly from using it to send in his story. Brown, by so doing, wins the admiration of his coworkers, who had always considered him stupid. And he marries the queen, who had given up the idea of ruling, preferring to be the wife of an American citizen.

Richard Flournoy wrote the screen play, and Edward Sedgwick directed and produced it. In the cast are Harry Davenport, Donald Briggs, and others.

Suitability, Class A.

#### "Atlantic Flight" with Dick Merrill, Paula Stone and Weldon Heyburn

(Monogram, August 25 [1937-38]; time, 581/2 min.)

The value of this picture lies in the exploitation possibilities it offers on account of the fact that in the cast is Dick Merrill, the famous aviator, whom moviegoers may be curious to see. Mr. Merrill is not a good actor; he is ill at ease before the camera, and delivers his lines in a stilted fashion. For the most part, the story is of little interest, but the melodramatic thrills, caused by aeroplane flying, should hold the attention of spectators. The situation where a parachute jumper makes a daring jump, refraining from opening the cord until he is a short distance from the ground, is the most thrilling. The romance is routine:—

Weldon Heyburn and Dick Merrill invest all their sayings in the manufacture of a plane they intended to fly in an important race. Paula Stone, a wealthy society girl, had entered her plane in the race, with Ivan Lebedoff, an impoverished baron, as pilot; she had promised to marry him if he should win. In the meantime, she falls in love with Heyburn, who was at first resentful but who later falls in love with her. Before the race, Lebedoff damages Heyburn's plane and knocks out Merrill. Heyburn pilots the plane himself; it crashes and he is severely injured. The doctor tells Merrill that the only thing that could save Heyburn's life was a certain scrum, which could be obtained only in London. Since Hevburn had but forty-eight hours to live, Merrill makes a sensational flight across the Atlantic for the serum, returning to America as soon as he obtained the scrum, without any rest. Heyburn is saved, much to Miss Stone's joy.

Scott Darling and Erna Lazarus wrote the story and screen play; William Nigh directed it, and William Berke produced it. Jack Lambie and others are in the cast,

These figures certainly make a monkey out of Barney Balaban, President of Paramount, who stated to the trade press that Paramount had lost only \$10,000 in Philadelphia.

MINNEAPOLIS: No decision has yet been reached by Judge Nordbye. In the meantime, the exhibitors are standing firm against Paramount; they are neither play-dating 1936-37 season's pictures, nor buying the 1937-38 season's product. More than 200 theatres are striking.

LOS ANGELES: Discussion of the strike's status in that zone is made elsewhere in this issue. Approximately 125 theatres are in the strike.

MILWAUKEE: In the August 24 Bulletin of Independent Theatres Protective Association, which organization is an Allied unit, it was stated that 142 theatres had enrolled in the play-date and refuse-to-buy-new-product strike. By September 17, the number increased to 160, and more are joining each week.

Of this number, approximately 90 had bought 1936-37 season's product, but have absolutely refused to play-date any pictures and have, of course, refrained from even negotiating for the 1937-38 season's product.

It should be noted that the Paramount representatives are resorting also in that zone to the methods they have resorted to in the other zones, but their sucess has been the same—nil. The exhibitors, realizing that the strike will last for a long time, have made their plans with a view to getting along without Paramount product.

At the meeting held Friday, September 10, the question whether the strike should be continued or not was put to a vote; the ayes carried unanimously. Such a decision is, indeed, commendable when one bears in mind that those who have their theatres in Milwaukee need product very much, by reason of the fact that Milwaukee is a double-feature city, and the affiliated circuits, which naturally are not cooperating in the strike, concentrate on the week-end business only, at which time they play the best pictures. Since all the theatres play the best pictures on Saturdays and Sundays, you realize, I am sure, how scarce are good pictures for those days!

Most of the Milwaukee members have not played either "Waikiki Wedding," "Mountain Justice," "I Met Him in Paris," "Exclusive," "Internes Can't Take Money," or "Turn off the Moon." This fact should indicate how loyally the Milwaukee zone exhibitors are standing by the strike.

Paramount has been sending to the exhibitors of that zone registered letters giving them play-date time on pictures due, and informing them that, unless they play-date the pictures, Paramount would play-date them itself, and then ship the prints C.O.D., and that, if they should fail to lift the pictures, a suit would follow. But even this has failed to shake them from their stand, for they feel that Paramount will not carry out its threat to sue—it will necessitate so many suits! In case, however, it sued, the organization has undertaken to defend the suits.

PITTSBURGH: Early in August 100 theatres determined to join the play-date and anti-buying strike. Accurate details are not available at the time of writing this editorial. The facts will be printed in next week's issue.

BOSTON: Strike activities continue there at full speed. Paramount is assigning play-dates and shipping prints C.O.D., but the prints are not accepted.

At a meeting held on Tuesday, September 14, at poll of the exhibitors present revealed the fact that ninety per cent of them had not bought Paramount product for the 1937-38 season. The ten per cent had bought it before the strike was decided upon.

Independent Exhibitors, Inc., which is an Allied unit, continues to work with a view to inducing every exhibitor in that zone to join the strike and to continue it, until Paramount makes the necessary adjustment nationally.

In view of these facts, it seems as if Paramount is whistling to keep up its courage.

#### THE "LOAFERS AND GANGSTERS" REMARKS OF THE PARAMOUNT REPRESENTATIVES

I would not present to you a true picture if I were to say merely that the exhibitors of the United States have been astounded by the remarks made against the striking exhibitors by Louis Phillips, Paramount attorney, to Lewen Pizor, president of United Motion Picture Theatre Owners of Eastern Pennsylvania, Southern New Jersey and Delaware, in the lobby of the court house in Philadelphia, to the effect that the exhibitors engaged in the strike are "a bunch of loafers and gangsters," for they have been really incensed. So incensed, in fact, that some of them have written to me and stated that, unless Paramount takes back those remarks, they will not play Paramount pictures as long as they are in the business.

A Los Angeles zone exhibitor has written me on September14, commenting as follows:

"A meeting, called by the Exhibitors' Strike Committee, was held today to discuss the Paramount situation and to receive a proposal of action rather than passivity; it was attended by the representatives of more than one hundred theatres.

"Your story of 'loafers and gangsters' came in most timely, for when read it put the exhibitors in a receptive mood.

"The plan... was endorsed unanimously. And the proof that it will be followed to the letter is the fact that more than two thousand dollars was collected, and more was pledged.

"I shall send you further details when action begins."

Discussion of the incident in this city with, not only exhibitors, but distributors as well, elicited but one opinion—that the remarks of the Paramount representatives were nothing short of stupid. "No seller of any intelligence would make such remarks about the men with whom he must sooner or later do business," was the common remark.

The blame for those remarks was placed squarely on the shoulders of Neil Agnew, for they expected him to show more restraint. Most of them expressed the opinion that Mr. Phillips would not have made such remarks unless a discussion berating the exhibitors had previously been had at the Paramount office. "It is clear to me," one exhibitor said, "that Louis Phillips was acting merely as an echo. I am sure every exhibitor will remember that, particularly at the time a Paramount salesman calls on him to sell him Paramount pictures."

#### IN TWO SECTIONS—SECTION ONE

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No. 40

### A Study of the 1937-38 Season's Contracts - Article No. 7

#### Universal

SCHEDULE:

The Universal contract calls for 40 features, to be designated by production numbers 2001 to 2040, and to be divided into 3 groups.

The distributor must allocate each picture to one of these groups not later than the date on which it sends the availability notice of the picture.

If the contract holder should, under the 10% cancellation clause, cancel a picture from either Group 1 or Group 2, the distributor has the right to put any other picture in its place, on the terms of the picture cancelled. Thus the contract holder may cancel pictures only out of Group 3, the lowest allocation group.

A blank space is provided for the insertion of the first and of the last day of the year during which the licensed pictures are to be released.

Blank spaces are provided for the insertion of a fixed number of pictures the contract holder must play and pay for either each week or each month, in the order of release.

The distributor reserves the right to designate a number of pictures (to be written in) for preferred playing time.

Blank spaces are provided for the insertion of the admission prices the contract holder is to charge. Should he reduce these prices, he becomes subject to the same penalties as those discussed in the study of the Paramount contract, (first page, September 4 issue).

The distributor may either refuse to deliver a film until the contract holder has paid all indebtedness incurred under either this or any other agreement, or may attach to it a C.O.D. charge for such indebtedness.

#### MAIN CONTRACT:

SECOND CLAUSE (a) and (b): The contract runs for a period of one year from the day fixed for the showing of the first picture.

Should the distributor fail to deliver some of the pictures, the contract holder may recover, as damages, the rental price of those pictures. And the rental for a picture constitutes the limit of damages the distributor may recover, should the contract holder refuse to play the picture.

Should the contract holder receive a damaged print, he must notify the exchange immediately after the first showing of the film, and, if the notice is given by telephone, must confirm it in writing on the same day; otherwise, he is held liable for the damage.

THERD (a): Payment of the fixed rental for the picture must be made at least three days before delivery of the print.

TENTH: This clause provides for the manner in which the application may become a contract. It is the same as clause Ninth of the Paramount contract discussed in the September 4 issue.

ELEVENTH: This clause relates to the assignability of the contract. (EDITOR'S NOTE: Read what was said about a similar provision in the interpretation of clause Nineteenth of the MGM contract, in the August 28 issue.)

THIRTEENTH: If either party to the contract is unable to perform with respect to some of the licensed pictures, for causes beyond its direct control, and so notifies the other party, in writing, the contract is deemed terminated as to those pictures.

FOURTEENTH (Cancellation Clause): This clause is practically the same as the 10% cancellation provision contained in clause Twenty-Eighth of the MGM contract, discussed in the August 28 issue of Harrison's Reports. As in the MGM case, the exhibitor should send his written notice about the cancellation of a picture as soon as he makes up his mind, and not after the receipt of the availability notice.

SIXTEENTH: The distributor may exclude from the contract any of the licensed pictures not released generally during the release year specified in the schedule. To do so, it must send a written notice to the contract holder at least 15 days before the end of the release year. But if the contract holder should then send the distributor a written notice, not later than 30 days after the end of the release year, demanding delivery of all the pictures not released generally, the distributor must deliver them within one year after the end of the release year, if they should be released generally during that time. If they should not be released during that time, they are excluded from the contract.

TWENTIETH: This clause deals with the road-showing of some of the pictures. But it is meaning-less, since Universal may do whatever it pleases with any picture until such picture is released generally in the exchange territory out of which the contract holder is served.

TWENTY-SECOND: The salesmen's promises are not binding unless they are written into the contract; and no modification whatever of the contract by oral understanding is binding.

#### THE PLAY-DATE STRIKE

Philadelphia and Minneapolis have gone about the strike matter in a thorough way. That is why they are having such a success. They are rendering whatever aid they can to the members to enable them to fill in their dates with pictures. And the results are marvellous, for many exhibitors declare

"Wife, Doctor and Nurse" with Warner Baxter, Loretta Young and Virginia Bruce

(20th Century-Fox, Sept. 17 [1937-38]; time, 84½ min.) Very good mass entertainment, with a particular appeal to women because of the romantic involvements. Another attraction, as far as they are concerned, is the lavish background and the beautiful clothes worn by Loretta Young. The story is not new; it is of the familiar triangle variety. But the pleasant part of it is that, instead of becoming over-dramatic, the problems of the three characters are handled in a good-natured way, provoking laughter on several occasions. And the best part of it is that one is in sympathy throughout with all three. There are a few spots that are pretty sexy; this is so particularly in the bedroom scene on the bridal night of Miss Young and Warner Baxter:—

Baxter, a serious-minded surgeon, meets and falls in love with Miss Young, a rich and carefree debutante. His eventual marriage to her comes as a shock to Virginia Bruce, his able assistant. After a honeymoon trip to Europe, Baxter settles down to his work. Miss Young is an under-standing wife. But when she meets Miss Bruce, she becomes worried to think that her husband spent so much time with so beautiful a woman beside him. While at a luncheon with Miss Bruce, she asks her if she was in love with Baxter, to which Miss Bruce answers "No!" But as time goes on, she realizes that she did love him and so gives up her job. Without her, Baxter becomes irritable and unhappy. Miss Young asks Miss Bruce to come back, but when she tells her she could not do so because she loved Baxter, Miss Young agrees it is best she stay away. But Miss Bruce does return. This arouses Miss Young's jealousy, particularly when she sees Baxter expressing joy at having her back. She leaves Baxter, planning to obtain a divorce. He is miserable and gets drunk; Miss Bruce takes him to her home. Miss Young, deciding not to divorce Baxter, finds him at Miss Bruce's apartment. Together they sober him up, so that he could perform an operation. The two women come to an understanding; they realize that each one is of importance to Baxter—the one as his wife, and the other as his assistant.

Kathryn Scola, Darrell Ware, and Lamar Trotti wrote the original screen play; Walter Lang directed it, and Raymond Griffith produced it. In the cast are Minna Gombell, Sidney Blackmer, Margaret Irving, and others.

Not particularly suitable for children. Good for adults. Class B.

EDITOR'S NOTE: The story of this picture was announced last season under the title "Doctor's Wives," as an original, with Henry and Sylvia Lieferant as the authors. In the forecast, the following was said under "The Editor's Opinion": "Nice material, which should make a drama anywhere from good to very good." The forecast's accuracy is 100%.

"The Game That Kills"
with Charles Quigley and Rita Hayworth

(Columbia, Sept. 21 [1937-38]; time, 55½ min.)
Just a program melodrama. The story is typical of many westerns, except that in this instance the hero is a hockey player instead of a cowboy. But the formula is the same, with the hero joining the villain's gang in order to find out who had killed his brother, a hockey player. Sport followers may enjoy the hockey games played; but for the regular patron the picture offers little that is either novel or appealing. The plot is obvious; it develops in a manner expected by the audience:—

J. Farrel MacDonald, coach of a hockey team, realized that he was used by the owner of the team, who was holding some bad checks against him. This owner, who was betting against his own team, insisted that his henchmen, who had orders to throw the game, remain on the team, despite MacDonald's objections. Charles Quigley joins the outfit; although a good player he throws some games in order to get in with the other crooked players, his purpose being to find out whether the death of his brother, who had been on the team, had been premeditated. He finds out that it had been, and tricks the murderer into confessing; this naturally involves the owner, too. Quigley is now able to play the way he wants to. And he is happy to know that MacDonald's daughter (Rita Hayworth) loved him.

J. Benton Cheney wrote the story, and Grace Neville and Fred Niblo, Jr., the screen play; D. Ross Lederman directed it, and Harry L. Decker produced it. In the cast are John Gallaudet, Arthur Loft, and others.

Morally suitable for all. Suitability, Class A.

# "My Dear Miss Aldrich" with Edna May Oliver, Maureen O'Sullivan and Walter Pidgeon

(MGM, Sept. 17 [1937-38]; time, 73 min.)

Just a fair program picture. It starts off as a good comcdy, with Edna May Oliver provoking all the laughs by her constant chatter; but, since she provides most of the entertainment, it is suitable chiefly for her fans. The story offcred some dramatic possibilities, but they were not taken advantage of; the action lags most of the time. The closing scenes, which are both comical and exciting, are the best part of the picture. The romance is pleasant, but not of much importance:—

When Maurcen O'Sullivan, a school teacher, learns that she had inherited the New York newspaper owned by her deceased step-uncle, she leaves for New York with her aunt (Miss Oliver). She is disappointed to find that Walter Pidgeon, the managing editor, disapproved of women reporters. By getting a scoop on an important story, she induces him to give her a job. But he does so reluctantly, and only because she was the owner of the newspaper. When she falls down on a story, she is compelled to resign. Through an accident, she stumbles upon an important labor story, and decides to follow it up in order to show Pidgeon that she could make good. Her inexperiences place her in an embarrassing position, from which Pidgeon, with the help of Miss Oliver, extricates her. They get the scoop; and Pidgeon admits that she was good. Having fallen in love with him, she gladly accepts his marriage proposal.

Herman J. Mankiewicz wrote the original screen play, and George B. Seitz directed it. In the cast are Rita Johnson, Janet Beecher, Paul Harvey, Walter Kingsford, and others.

Suitable for all. Class A.

### "Victoria The Great"

(RKO [1937-38]; time, 113 min.)

This picture was reviewed in the September 4 issue, on page 142. Through an error, the name of the author of the original story was given as Miles Malleson. The facts are as follows: Charles de Grandcourt wrote the original story, and Mr. Malleson collaborated with him in the writing of the screen play.

The running time has been changed, too; instead of 120 minutes it is now 113 minutes.

#### "Saturday's Heroes" with Van Heflin and Marian Marsh

(RKO, Oct. 8 [1937-38]; time, 60 min.)

A fair program picture, based on the formula football story. Coming at the beginning of the football season, it should prove interesting to the fans; they will enjoy some of the clever plays shown during the games. The leading players are not strong enough attractions to draw the crowds; and so its main appeal will be to lovers of the game. The action is fairly interesting; and one is in sympathy with the hero in his efforts to help the players, except where he is shown mistrusting the heroine—that is bad characterization. The love interest is fairly pleasant:—

Van Heflin, a member of his college football team, resents the fact that, although the colleges take in millions of dollars in gate receipts, the players are considered amateurs and are neither paid for their services nor helped in their college work. In order to make ends meet, he sells tickets on the side for a large profit. When this is discovered, he is thrown out of college. Marian Marsh, the coach's daughter, in love with Heflin, tries to help him, but he does not trust her. Determined to show up college football for what it was, he goes to a small college and induces the president to engage him as assistant coach. He tells him that if they could lick his former college team, they would be important enough to take the lead in establishing new methods of treating players. And to Heflin's joy, his team does win, thereby paving the way for his plans to be carried out. He is reconciled with Miss Marsh.

George Templeton wrote the story, and Paul Yawitz, Charles Kaufman, and David Silverstein, the screen play; Edward Killy directed it, and Robert Sisk produced it. In the cast are Richard Lane, Minor Watson, Willie Best, and others.

#### "On Such a Night" with Karen Morley, Eduardo Ciannelli and Grant Richards

(Paramount, Aug. 27 [1937-38]; time, 72 min.)

A mildly entertaining program melodrama. The one thing in its favor is the atmospheric setting for the flood scenes; these are realistic and gripping. But except for occasional spurts of comedy provoked by Alan Mowbray the action is dull, unbelievable, and heavy, leaving the spectator depressed. One feels sympathy for the heroine in her efforts to help her condemned husband:—

Karen Morley believes in the innocence of her husband (Grant Richards), a professional gambler, accused of killing a man. Richards refuses to testify at his trial and so he is sentenced to be hung. While on the way to the death cell, Richards and his guard are caught in a flood. Miss Morley finds him unconscious at the relief station, where he had been taken when found. By posing as a red cross nurse, she takes him away in a car she had rented from Alan Mowbray. But flood conditions make it impossible for them to proceed and they are compelled to seek shelter in the mansion of Robert McWade. Miss Morley finds out that her husband had taken the blame for the murder, which had been committed by Eduardo Ciannelli, in order to protect his wife, whom Ciannelli had threatened to kill if Richards should tell the truth. Ciannelli, who had been following them, finds them at the house. Their lives are endangered by the rising flood waters. Through Richards' bravery they are saved. Ciannelli is captured, tried, and convicted. Richards is free to go away with his wife.

Morley F. Cassidy, S. S. Field, and John D. Klorer wrote the story, and Doris Malloy and William Lipman, the screen play; E. A. Dupont directed it, and Emanuel Cohen produced it. In the cast are Roscoe Karns, Milli Monti, Esther Dale, and others.

Suitability, Class B.

## "Sophie Lang Goes West" with Gertrude Michael and Lee Bowman

(Paramount, Sept. 10 [1937-38]; time, 61 min.)

A moderately entertaining crook melodrama of program grade. The story is at times somewhat confusing and farfetched; it is to the credit of the performers that one's attention is held. The action is pretty fast, holding one in fair suspense owing to the predicament the heroine, a reformed jewel thief, finds herself in when she inadvertently becomes involved in a jewel theft. One feels sympathy for the heroine, who tries to go straight:—

In an effort to escape from the police, who were trying to accuse her of a jewel theft, Gertrude Michael, a reformed jewel thief, rushes aboard a train bound for California. She becomes acquainted with Lee Bowman, publicity director for a major studio, and enlists his aid; he helps her evade the police. C. Henry Gordon, a Sultan aboard the same train, the owner of a valuable diamond which he wanted to get rid of in order to collect the insurance money, offers to loan the diamond to Bowman, to use in a publicity stunt, hoping it would be stolen. The diamond is stolen and in the confusion that follows Bowman, who had fallen in love with Miss Michael, thinks she was the thief. Eventually the real crook is apprehended and the diamond recovered. Bowman and Miss Michael plan to marry.

Frederick I. Anderson wrote the story, and Doris Anderson, Brian Marlow, and Robert Wyler, the screen play; Charles Riesner directed it. In the cast are Sandra Storme, Larry Crabbe, Barlow Borland, and others.

The robbery makes it unsuitable for children. Class B.

#### "Women Men Marry" with George Murphy, Claire Dodd and Josephine Hutchinson

(MGM, Sept. 10 [1937-38]; time, 60 min.)

Unpleasant. If this had just concentrated on the melodramatic angle, it might have been a pretty good newspaper picture. Instead, most of the story is concerned with a philandering wife, whose actions are neither edifying nor pleasant. What makes it particularly distasteful is the fact that her husband loves and trusts her. The most exciting part is that which shows the hero and the heroine getting the scoop on a story uncovering the actions of a fake religious leader:—

While Murphy, a hard working newspaper reporter, is busy at his job, his wife (Claire Dodd) carries on a clandestine affair with Sidney Blackmer, the managing editor of the paper. Murphy is unaware of what was happening; but Josephine Hutchinson, another reporter, in love with Murphy, is wise to it all. After having covered a story with Miss Hutchinson, in which their lives were endangered, Murphy returns home and accidentally find out about his wife's infidelity. In a quarrel with Murphy, at which Miss Dodd was present, Blackmer accidentally shoots her; she recovers. Murphy demands a divorce; when he is free he marries Miss Hutchinson.

Matt Taylor wrote the story, and Harry Ruskin, Donald Henderson Clarke, and James E. Grant, the screen play; Errol Taggart directed it, and Michael Fessier produced it. In the cast are Cliff Edwards, John Wray, and others.

Unsuitable for children or adolescents; adult fare. Class B.

#### "Hot Water" with Jed Prouty

(20th Century-Fox [1937-38], Sept. 24; time, 58 min.)

This version of the Jones Family experiences is good program entertainment; it should go over well, for it is up to the standard set for this series. The action is fast, holding one's attention throughout. There are the usual number of laughs, provoked by the realistic family touches, which are typical of most families. The same players, who are by this time familiar to audiences, enact the different parts.

This time the family becomes involved in politics, for the father (Jed Prouty) had been nominated to run against the crooked Mayor. The closing scenes hold one in suspense; there the rival candidate, with the help of his henchmen, in an effort to discredit Prouty, frames his son (Kenneth Howell). He had put a bottle of liquor in the boy's car and had then pulled a fake automobile accident. When the police find the liquor in Howell's car they naturally assume that he had been drinking, and arrest him. Things look bad for a time, until the younger son (George Ernest), who had started an investigation on his own, uncovers the plot, thus bringing in the election for his father.

Ron Ferguson and Eleanor DeLamater wrote the story, and Robert Chapin and Karen DeWolf, the screen play; Frank Strayer directed it, and Max Golden produced it. In the cast are Shirley Deane, Russell Gleason, Robert Gleckler, and others.

Suitability Class A.

#### "Love Is On the Air" with Ronald Reagan and June Travis

(First Nat'l., Oct. 2 [1937-38]; time, 59 min.)

Just a formula program picture, lacking names of boxoffice value. Instead of action, there's talk and more talk;
it is not until the closing scenes that anything really happens. The ending is fairly exciting; it shows the police capturing a gang of criminals after a thrilling gun fight. The
romance is kept in the background:—

Ronald Reagan, a radio announcer, is angry when he is taken off the news events program owing to complaints from the sponsor, who resented Reagan's criticism of public officials. Reagan, much to his disgust, is given the children's hour program. Through one of the children, he comes into possession of information uncovering the murder of a vice-reform leader. All the officials whom Reagan had denounced are involved. With the help of police, he captures the gang, broadcasting the news from the scene of the crime. Back at his old job, he asks Miss Travis, a co-worker, to marry him.

Roy Chanslor wrote the story, and Morton Grant and George Bricker, the screen play; Nick Grinde directed it, and Bryan Foy produced it. In the cast are Robert Barrat, Eddie Acuff, Raymond Hatton, and others.

Suitability, Class A.

## "High Wide and Handsome" with Irene Dunne and Randolph Scott

(Paramount Oct. 1 [1937-38]; time, 104 min.)

Since this was reviewed in the August 7 issue, page 126, the running time has been cut down from 112 minutes to 104 minutes.

that they are now making more money than they made when they had to pay to Paramount exorbitant film rentals.

The latest Bulletin of the Philadelphia zone organization contains very interesting information. Under the heading, "NO SHORTAGE OF PICTURES," a list of 32 pictures is given as having been released or announced for release between September 3 and the same date in October.

Under the heading, "Some Questions and Answers," the bulletin states:

"How Effective Is the Paramount Fight? As effective as it is spontaneous and individual. Although no action other than the regular meetings of the organization has been taken since August 1st, virtually no independent theatremen in this territory are playing any Paramount Pictures. A careful check by the Defense Committee of 340 regular accounts in this zone shows that there were 31 Paramount Pictures played during the week of September 5; 39 pictures during the week of August 29; 38 pictures during the week of August 23, and 24 pictures during the week of August 15. Of the 340 Paramount accounts cheeked, 62 were Warner houses and 1 Comerford-Publix, neither of which circuit is cooperating in the protest. The few Paramount Pictures being played are confined chiefly to these two circuits and the Wilmer and Vincent group.

"How Long Will the Paramount Fight Last? Exhibitors are digging in for a long fight and are laying plans now for the 1938-39 season. While exhibitors regret the loss of Paramount product they realize that to countenance Paramount's alleged willful breach of contract and to accept Paramount's unfair selling policies will bring down on their heads the wrath and contempt of those other film companies that are selling on a fair and equitable basis and delivering what they sell. Many exhibitors advise us that they are doing much better without high priced Paramount Pictures this year than they did with them last year.

"Is the New 'Buying Group' a Boycott? Quite the contrary. The purpose of the 'Buying Group' is to buy Paramount Pictures in a group, thereby eliminating the expense of individual selling. Film companies have always insisted the reason the circuits obtain better terms than the independents is because such buying involves a single transaction with a substantial saving in selling expense. Cooperatives have long been recognized in the commercial world as a legitimate means of effecting savings of expense and labor for members.

"Who Is Signing the Buying Powers of Attorney? Approximately 160 theatres have been lined up on the buying Powers of Attorney. Included among these signatures are the most representative independents in the territory—men with substantial investments and plenty of good, sound, common sense. They realize that the day of the individual exhibitor is past and they want the protection of a large group of exhibitors such as this plan offers. We expect to obtain the signatures of at least 200 theatres.

"Is the Government Doing Anything? Yes! Complaints have been filed by exhibitors with the Federal Trade Commission against Paramount, and during the past week, an investigator of the Commission has been in Philadelphia interviewing many exhibitors. From indications, there will be a

very thorough investigation and definite action taken by the Federal Trade Commission.

"Has Paramount Succeeded in Court? No! Paramount brought an action against the organization and 40 exhibitors seeking a restraining order. The case was heard by Federal Judge Oliver Dickinson of the District Court in Philadelphia and after all testimony had been introduced by Paramount, the Court, in a lengthy opinion, dismissed the action, assessing the cost against Paramount. Paramount then took an appeal into the Federal Circuit Court of Appeals where this appeal has been set for hearing by the Court for October 4.

"No amount of lawsuits or litigation can compel an individual exhibitor to buy any product from Paramount."

Of what is said in the Bulletin, what impresses me mostly is the fact that the exhibitors in that zone are laying plans for taking care of the 1938-39 season's needs. It is, in the opinion of HARRISON'S REPORTS, just such tenacity as this, such foresightedness, that will win this strike.

The exhibitors, united, could always deliver a hard punch. Heretofore, they did not unite. The present case is the first time in the history of the organized exhibitor where such uniting has been accomplished. And that is why the punch they are delivering is so hard. And it would have been much harder had every zone followed the example of the Philadelphia and the Minneapolis zones. Milwaukee, Boston, and Los Angeles are following their example, but the same statement cannot be made of other zones.

But you should not complain; it was a great feat to unite exhibitors so effectively, even in those few zones, for the lesson will not be forgotten: Should a second point of serious disagreement between exhibitors and a distributor ever arise again, a point of disagreement that should affect the interests of all exhibitors, just as the present disagreement is affecting them, there is no doubt in my mind that there will be cooperation among at least seventy-five per cent of the independent exhibitors, for the present incident has showed them how much power they may exert if they should all fight together. And seventy-five per cent of the independent exhibitors fighting together may demolish even a mountain.

The exhibitors have at last found their strength.

#### PARAMOUNT SUES NORTH DAKOTA ON THEATRE DIVORCE LAW

You undoubtedly know by this time that Paramount has brought suit in the Federal courts to stop the enforcement of the North Dakota law that prevents persons or corporations engaged in either the production or the distribution of films from owning or operating motion picture theatres.

Governor Langer has invited Abram F. Myers, general counsel of Allied States Association, and John P. Devaney, former Minnesota Supreme Court Justice, now counsel for Allied Theatre Owners of the Northwest (Minneapolis zone), to assist the state's Attorney General in the defense of the suit.

The exhibitors, like the State of North Dakota, feel confident that the Courts will declare the law constitutional. If it is so declared, a curb will be put on the theatre activities of the producers.

### HARRISON'S REPORTS

Vol. XIX NEW YORK, N. Y., SATURDAY, OCTOBER 2, 1937

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3709 Bulldog Drummond Comes Back—Howard. Sept. 24 3710 High, Wide and Handsome—Dunne-ScottOct. 1	810 Life Begins in College—Ritz Brothers Oct. 1 809 Lancer Spy—Del Rio-Sanders-Lorre Oct. 8
3711 Partners in Crime—Overman-Karns Oct. 8 3712 This Way Please—Rogers-Grable Oct. 15 Thunder Trail—Hunt-Roland-Bickford Oct. 22	812 Roll Along, Cowboy—Smith Ballew Oct. 8 816 Heidi—Temple-Hersholt-Treacher Oct. 15 811 Charlie Chan on Broadway—W. Oland Oct. 22
Angel—Dietrich-Marshall-Douglas (re.) Oct. 29 Hold 'Em Navy—Howard-Ayres-Carlisle Nov. 5 The Barrier—Bickford-Dyorak-Ellison Nov. 12	815 Ali Baba Goes to Town—Eddie Cantor Oct. 29 808 Danger, Love at Work—Sothern-Haley (81m) Nov. 5 817 Dangerously Yours—Romero-Brooks Nov. 12
The Salitation Divide Diagon in	

United Artists Features (729 Seventh Ave., New York, N. Y.) When Thief Meets Thief—Fairbanks, JrJune 4 Walter Disney's Academy Award Review—	Columbia—Two Reels 7308 Goofs and Saddles—Stooge (17½ m.)June 14 7411 Calling all Doctors—All star (19½ m.)July 22 7412 Bury the Hatchet—All Star (18½ m.)Aug. 6 (End of 1936-37 Season)
(44 m.)	Beginning of 1937-38 Season
Beginning of 1937-38 Season  Dark Journey—Conrad Veidt-Vivien Leigh July 23 Knight Without Armor—Dietrich-Donat July 23 Stella Dallas—Stanwyck-Boles-Shirley-Hale Aug. 6 Dead End—Sidney-McCrea-Bogart-Barrie Aug. 27 Prisoner of Zenda—Colman-Carroll-Astor Sept. 3 Vogues of 1938—Baxter-J. Bennett-Vinson Sept. 17 52nd Street—Baker-Patterson-Pitts Sept. 24 Stand-In—Howard-Blondell-Bogart-Mowbray Oct. 8 Farewell Again—Banks-Robson (83 min.) Oct. 15 I Met My Love Again—J. Bennett-Fonda Oct. 22 Storm in a Teacup—Leigh-Harrison Jeans (86 m) Nov. 12	8121 River Pirates—Jungle Menace No. 1 (31½m) Sept. 1 8401 Cash and Carry—Stooge No. 1 (18½ m.) Sept. 3 8122 Deadly Enemies—Jungle No. 2 (20½ m.) Sept. 8 8123 Flames of Hate—Jungle No. 3 (20½ m.) Sept. 15 8421 The Big Squirt—All Star (18 m.) Sept. 17 8124 One Way Ride—Jungle No. 4 (20 m.) Sept. 22 8125 Man of Mystery—Jungle No. 5 (21½ m.) Sept. 29 8126 Shanghaied—Jungle No. 6 (21 m.) Oct. 6 8127 Tiger Eyes—Jungle No. 7 (21½ m.) Oct. 13 8128 Frameup—Jungle No. 8 Oct. 20 8129 Cave of Mystery—Jungle No. 9 Oct. 27
("Tom Sawyer," listed in the last Index as a September 10 release, has been postponed.)	Metro-Goldwyn Mayer—One Reel
Universal Features (1250 Sixth Ave., New York, N. Y.)  A1046 Smoke Tree Range—Buck Jones (59 m.). June 6 A1015 The Wildcatter—Colton-Rogers June 6 A1004 Armored Car—Wilcox-Barrett (64 m.) June 20 A1009 Love in a Bungalow—K. Taylor-N. Grey. June 27 A1016 I Cover the War—Bartley-Gaze-Wayne July 4 A1008 Westbound Limited—Talbot-Rowles July 11 A1005 The Road Back—Summerville-King Aug. 1 A1006 Reported Missing—Gargan-Rogers (re.) . Aug. 15	T-511 Rocky Mountain Grandeur—Trav. (8m). June 26 W-536 Wayard Pups—Cartoons (9 min.) July 10 T-512 Floral Japan—Traveltalks (8 m.) July 24 C-591 Night 'N' Gales—Our Gang (11 m.) July 24 S-565 Pigskin Champions—Pete Smith (11 m.). Aug. 14 M-529 Pacific Paradise—Miniatures Aug. 28 W-537 Bosko and the Cannibals—Cart. (10 m.). Aug. 28 C-592 Fishy Tales—Our Gang (11 m.) Aug. 28 S-566 Equestrian Acrobatics—Smith (8 m.) Sept. 4 M-530 The Boss Didn't Say Good Morning—Miniatures (10 min.) Sept. 11 (more to come)
(more to come)	Beginning of 1937-38 Season
Beginning of 1937-38 Season  A2023 Man Who Cried Wolf—Stone-Brown-Read Aug. 29 A2050 Black Aces—Buck Jones (58 min.) Sept. 5 A2001 100 Men and a Girl—Durbin-Menjou Sept. 12 A2025 The Lady Fights Back—Hervey-K. Taylor Sept. 19	T-651 Glimpses of Peru—Traveltalk (8 m.) Sept. 4 F-751 How To Start the Day—Rob. Benchley Sept. 11 C-731 Framing Youth—Our Gang Sept. 11 T-652 Stockholm, Pride of Sweden—Traveltalk Oct. 2  Metro-Goldwyn-Mayer—Two Reels
A2030 Behind the Mike—Gargan-Barrett Sept. 26 A2026 Carnival Queen—Wilcox-Kent (66 m.) Oct. 3 A2051 Law for Tombstone—Buck Jones (59 m.) Oct. 10 A2037 Idol of the Crowds—Wayne-Bromley (62½ min.) Oct. 10 A2020 Trouble at Midnight—Berry, Jr. (68 m.) Oct. 17	P-143 It May Happen To You—Crime Doesn't Pay (21 min.)
Merry Go Round of 1938—Lahr-HouseOct. 24 A2034 That's My Story—Morgan-LundiganOct. 31	Beginning of 1937-38 Season
	C-413 Beau Hunks—Laurel-Hardy reissue (37m.) Sept. 18
Warner Bros. Features	C-245 Blotto—Laurel-Hardy reissue (26 m.)Oct. 30
(321 W. 44th St., New York, N. Y.)  116 Marry the Girl—Boland-McHugh-HerbertJuly 31 130 The Devil's Saddle Legion—Foran (52 m.) Aug. 14 123 Footloose Heiress—Sheridan-Reynolds Aug. 21 (End of 1936-37 Season)	Paramount—One Reel  E6-12 Lost and Foundry—Popeye (6½ m.) July 16  V6-15 Aviator Shorty—Paragraphics (9 m.) July 23  T6-12 Ding Dong Doggie—Boop (6½ min.) July 23  G6-6 Schubert's Serenade—Musical rom. (8½ m.) . July 23
Beginning of 1937-38 Season	A6-15 Night in Manhattan—Headliner (10 m.)July 30 Ss6-6 You Came to My Rescue—S. Song (6½ m.).July 30
202 Varsity Show—Powell-Waring-Healy Sept. 4 218 Wine Women and Horses—McLane-Sheridan Sept. 11	(End of 1936-37 Season)
203 The Life of Emile Zola—Paul MuniOct. 2 209 The Great Garrick—Aherne-deHavillandOct. 30	Beginning of 1937-38 Season P7-1 Paramount Pictorial No. 1—(9½ min.)Aug. 6
	L7-1 Unusual Occupations No. 1—(10 min.) Aug. 6 V7-1 Killer of the Tonto—Para. (9½ min.) Aug. 13
SHORT SUBJECT RELEASE SCHEDULE	R7-1 Aquabats—Sportlight (9 min.)Aug. 13
Columbia—One Reel  7811 Sport's Greatest Thrills—W. Sport (9½ m.) Aug. 3 7907 Haiti's Black Napoleon—Tours (10 m.) . Aug. 6 7514 Spring Festival—Color Rhap. (8 m.) . Aug. 6 7862 Screen Snapshots No. 12—(9½ m.) Aug. 13 7812 Golf Magic—World of Sport (9½ m.) Aug. 16 7515 Scary Crows—Color Rhapsody (8 m.) . Aug. 20 7813 Future Stars—World of Sport (9 m.) Aug. 30 7516 Swing Monkey Swing—Color Rhapsody . Sept. 10 7863 Screen Snapshots No. 13 Sept. 10 (End of 1936-37 Season)  Beginning of 1937-38 Season  8651 Community Sing No. 1 (9½ m.)	A7-1 Queens of Harmony—Headliner (10 m.) Aug. 20 E7-1 I Never Change My Altitude—Popeye (6m.) Aug. 20 T7-1 The Candid Candidate—Boop (6 m.) Aug. 27 C7-1 Peeping Penguins—Color Classic (7 m.) Aug. 27 P7-2 Paramount Pictorial No. 2—(9½ m.) Sept. 3 J7-1 Popular Science No. 1 (10 m.) Sept. 3 A7-2 Let's Go Latin—Headliner (10 m.) Sept. 10 V7-2 It's a Good Stunt—Paragraphics (9 m.) Sept. 10 R7-2 Picking Pets—Sportlight (9½ m.) Sept. 10 E7-2 I Likes Babies and Infinks—Popeye (7 m.) Sept. 17 T7-2 Service with a Smile—Boop (7 min.) Sept. 17 T7-2 Service with a Smile—Boop (7 min.) Sept. 24 Ss7-1 Whispers in the Dark—S. Song (7 m.) Sept. 24 A7-3 Hula Heaven—Headliner (10 m.) Oct. 1 P7-3 Paramount Pictorial No. 3 (9½ m.) Oct. 1 V7-3 Cowboy Shorty—Paragraphics (9½ m.) Oct. 8 R7-3 Four Smart Dogs—Sportlight (9½ m.) Oct. 8 L7-2 Unusual Occupations No. 2 Oct. 8 E7-3 The New Poet Store (614 m.) 22 22 22 22 22 22 22 22 22 22 22 22
8652 Community Sing No. 2 (10 min.)	T7-3 The New Deal Show—Boop cart. (6½ m.) Oct. 22 A7-4 Hollywood Star Reporter No. 2—Headliner Oct. 29 C7-2 Educated Fish—Color Classic Oct. 29

RKO—One Reel  74511 Florida Cowboy—World on Parade (10m.) June 11  74312 Royal Steeds—Bill Corum (10 m.) July 2  74512 Workshops of Old Mexico—World on Parade (11 min.) July 9  74313 Golf Timing—Bill Corum (11 min.) July 23  74513 Jungle Playmates—World on Parade (9 m.) July 30  (End of 1936-37 Season)  Beginning of 1937-38 Season  84401 A Frozcn Affair—Condor mus. (10 m.) Aug. 27  84601 Pathe Parade—(13 m.) Sept. 10  84201 Rhythm In a Night Court—Nu-Atlas (10m) Sept. 24  84101 Hawaiian Holiday—Disney cart. (8 m.) Sept. 24  RKO—Two Reels  73604 Swing Fever—Headliner (19 min.) July 9  73112 March of Time—(18 min.) July 9  73504 Mississippi Moods—Johnson Choir (17m.) July 23	Universal—Two Reels  A2684 The Indians Are Coming—Wild 4 (21 m.) July 26 A2685 The Leap for Life—Wild No. 5 (21 m.) Aug. 2 A2686 Death Stalks the Plains—Wild 6 (20 m.) Aug. 9 A2687 Six-Gun Law—Wild No. 7 (21 min.) Aug. 16 A2688 The Gold Stampede—Wild 8 (21 m.) Aug. 23 A2689 Walls of Fire—Wild No. 9 (21 min.) Aug. 30 A2159 Hollywood Screen Test—Special (21 m.) Aug. 30 A2690 The Circle of Doom—Wild No. 10 (21 m.) Sept. 6 A2161 Hawaiian Capers—Mentone (17 m.) Sept. 8 A2691 The Thundering Hcrd—Wild. No. 11 (21 m.) Sept. 13 A2692 Rustlers and Redskins—Wild. No. 12 (20 m.) Sept. 20 A2693 The Rustlers Roundup—Wild. No. 13 (20 m.) Sept. 27 A2781 A Million Dollar Murder—Radio Patrol No. 1 (20 min.) Oct. 4 A2162 Teddy Bergmans Bar-B-Q—Men. (19 m.) Oct. 6 A2782 The Hypnotic Eye—Radio No. 2 (21 m.) Oct. 18 A2784 The Human Clue—Radio No. 4 (19 m.) Oct. 25	NEWSWEEKLY NEW YORK RELEASE DATES Universal 601 Wednesday Sept. 29 602 Saturday Oct. 2 603 Wednesday Oct. 6 604 Saturday Oct. 9 605 Wednesday Oct. 13 606 Saturday Oct. 16 607 Wednesday Oct. 20 608 Saturday Oct. 20 608 Saturday Oct. 23 609 Wednesday Oct. 27 610 Saturday Oct. 30 611 Wednesday Nov. 3 612 Saturday Nov. 6 613 Wednesday Nov. 10 614 Saturday Nov. 10 614 Saturday Nov. 13
73406 Tramp Trouble—Edgar Kennedy (16 m.) Aug. 6 73113 March of Time (18 min.)	Vitaphone—One Reel	5 Wednesday Sept. 29 6 Saturday Oct. 2
Beginning of 1937-38 Season  83101 March of Time No. 1 (18 min.) Sept. 3  83701 Should Wives Work—L. Errol (20 m.) Sept. 10  83401 Morning Judge—E. Kennedy (17 m.) Sept. 24  83601 Trailing Along—Headliner (16 m.) Oct. 8  83201 Many Unhappy Returns—Radio Flash (17m) Oct. 22	2515 Jack Denny—Melody Masters (10 m.) May 29 2211 Uncle Tom's Bungalow—Mer. Mel. (8 m.) June 5 2311 Gateway to Africa—Mer. Mel. (10 m.) June 12 2811 Porky's Building—L. Tunes (8 m.) June 19 2212 Streamlined Greta Green—Mer. Mel. (8 m.) June 19 2411 Dogs-Milk-Oriental Rugs—Pic. Rev. (10 m.) June 19 2516 Eliseo Grenet & Orch.—Mel. Mast. (10 m.) June 19 2711 Double Talk—Novelties (10 min.) June 26 2611 Vaude-Festival—Big Time Vaud. (10 m.) June 26 2213 Sweet Sioux—Mer. Melodies (8 m.) July 3	7 WednesdayOct. 6 8 SaturdayOct. 9 9 WcdnesdayOct. 13 10 SaturdayOct. 16 11 WednesdayOct. 20 12 SaturdayOct. 23 13 WednesdayOct. 27 14 SaturdayOct. 30 15 WednesdayNov. 3 16 SaturdayNov. 6
Twentieth Century-Fox—One Reel Beginning of 1937-38 Season	2312 Land of the Magyar—Color Adv. (10 m.)July 3 2812 Porky's Super Service—L. Tunes (7 m.)July 3 2517 Lennie Hayton & Orch.—Mel Mas. (10½ m.) July 10	17 Wednesday Nov. 10 18 Saturday Nov. 13
4701 Portraits of Portugal—Rd. to Rom. (10 m.) Aug. 6 2601 Bone Bender Parade—Adv. Camera. (11½m) Aug. 6 8902 Pot Luck—Song comedy hit (11½ m.) Aug. 6 8601 How to Ski—Treasure Chest (11 m.) Aug. 20 8501 Trailer Life—Terry-Toon (6½ m.) Aug. 20 4702 Mexican Mural—Road to Romance (9 m.) . Sept. 3 2602 Motor Maniacs—Adv. Camera. (10 m.) . Sept. 3 8502 The Villain Still Pursued Her—TT.(6½m) Sept. 3 8602 Private Life of the Gannets—T. C. (10½ m.) Sept. 10 8503 Kiko's Cleaning Day—T. Toon (6½ m.) Sept. 17 8901 The Big Apple—A. Murray dancers Sept. 17 8903 Miss Lonely Hearts—Song Comedy hit Sept. 24 8504 A Close Shave—Terry-Toon Oct. 1 2603 Filming Modern Youth—Adv. Cam. (8½ m.) Oct. 1 4703 The Dude Ranch—Road to Romance Oct. 1  Twentieth Century-Fox—Two Reels	2412 Baby Genius-Pianos-Art—Pic. Rev. (10½m.) July 17 2214 Egghead Rides Again—Mer. Mel. (7 m.) July 17 2612 Vaudville Hits—Big Time Vaud. (11 m.) July 17 2813 Porky's Bad Time Story—L. Tunes (7 m.) July 24 2518 David Mendoza & Orch.—Mel. Mas. (10m.) July 31 2712 Palm Beach Knights—Novelties (11 m.) July 31 2215 Plenty of Money and You—M. Mel. (7½ m.) July 31 2214 Porky's Railroad—L. Tunes (7 m.) Aug. 7 2313 Crossing the Sahara—Color. (10½ m.) Aug. 14 2613 Vitaphone Broadwayites—Big Time Vaud Aug. 21 2218 Sunbonnet Blue—Mer. Mel. (7½ m.) Aug. 21 2713 The Lyin' Tamer—Novelties (10½ m.) Aug. 28 2413 Reducing-Printing-Furs—Pic. Rev. (11 m.) Aug. 28 2815 Get Rich Quick Porky—L. Tunes (7½ m.) Aug. 28 2216 Speaking of the Weather—Mer. Mel. (7 m.) Sept. 4 2217 Dog Daze—Merrie Melodies (7 m.)	Paramount News 16 Wednesday Sept. 29- 17 Saturday Oct. 2 18 Wednesday Oct. 6 19 Saturday Oct. 9 20 Wednesday Oct. 13- 21 Saturday Oct. 16- 22 Wednesday Oct. 20 23 Saturday Oct. 23 24 Wednesday Oct. 27 25 Saturday Oct. 30 26 Wednesday Nov. 3 27 Saturday Nov. 6 28 Wednesday Nov. 10 29 Saturday Nov. 10
Beginning of 1937-38 Season	(End of 1936-37 Season)  Beginning of 1937-38 Season	Metrotone News 203 Wednesday Sept. 29 204 Saturday Oct. 2
8101 Affairs of Pierre—Willie Howard (19½ m.) Aug. 6 8103 Slacks Appeal—Niela Goodelle (19½ m.) . Aug. 13 8301 Who's Crazy—Harry Gribbon (19 m.) Aug. 20 8102 Montague the Magnificent—Lahr (18½ m.) Aug. 27 8302 Sweeties—Timberg-Rooney (15½ m.) Sept. 3 8304 Will You Stop—Tim and Irene (17½ m.) . Sept. 10 8104 Bashful Ballerina—Imogene Coca Sept. 17 8201 The Timid Ghost—Kemper-Gilbert Sept. 24 8106 Silly Night—Jefferson Machamer Oct. 1  United Artists—One Reel	3901 A Necking Party—Varieties (11 m.) Sept. 4 3701 Russ Morgan & Orch.—Mel. Mas. (10 m.) Sept. 11 3801 Racing-Wrestling-Cheese—Pic. Rev. (10 m) Sept. 18 3301 Attic of Terror—True Adv. (12 m.) Sept. 18 3501 Long Bright Land—Color-Tour (11 m.) Sept. 25 3702 Milt Britton & Orch.—Mel. Mas. (11 m.) Oct. 2 3902 Puppet Love—Varieties (10 m.) Oct. 2 3802 T. Tennis-Mauch Twins-Fashions—Pic. Rev. Oct. 16 3703 Mal Hallett & Orch.—Mel. Mas. (9 m.) Oct. 23 3502 What the World Makes—Color-Tour Oct. 23	205 Wednesday . Oct. 6 206 Saturday . Oct. 9 207 Wednesday . Oct. 13 208 Saturday . Oct. 16 209 Wednesday . Oct. 20 210 Saturday . Oct. 23: 211 Wednesday . Oct. 27 212 Saturday . Oct. 30 213 Wednesday . Nov. 3 214 Saturday . Nov. 6 215 Wednesday . Nov. 10 216 Saturday . Nov. 10
12 Modern Inventions—Mickey Mouse (8 m.) June 19 (This ends the Disney releases through United Artists)	Vitaphone—Two Reels 2031 A Musical Operation—B'way Brev. (20 m.) May 15	Pathe News
Universal—One Reel  A1283 Fireman's Picnic—Meany cart. (6 m.)Aug. 16 A1284 Rest Resort—Meany cart. (7 m.)Aug. 23 A1285 Ostrich Feathers—Meany cart. (7 m.)Sept. 6 A1286 Air Express—Meany cart. (6 m.)Sept. 20 A1383 Going Places with Thomas No. 39—Release date postponed (End of 1936-37 Season)  Beginning of 1937-38 Season	2005 A Day at Sante Anita—B'way Brev. (18 m.) May 22 2030 Sound Defects—B'way Brev. (22 m.)	85115 Sat. (O) Sept. 11 85216 Wed. (E) . Sept. 15 85117 Sat. (O) Sept. 18 85218 Wed. (E) . Sept. 22 85119 Sat. (O) Sept. 25 85220 Wed. (E.) . Sept. 29 85121 Sat. (O.) Oct. 2 85222 Wed. (E.) . Oct. 6 85123 Sat. (O.) Oct. 9 85224 Wed. (E.) . Oct. 13 85125 Sat. (O.) Oct. 16
A2384 Stranger Than Fiction No. 40 (8½ m.) Sept. 6 A2385 Stranger Than Fiction No. 41 (9 m.) Oct. 4 A2271 Love Sick—Oswald Cartoon (7½ m.) Oct. 4 A2272 Keeper of the Lions—Oswald (7 m.) Oct. 18 A2386 Stranger Than Fiction No. 42 (9 m.) Nov. 1 ("Barbecue Revue" listed in the last Index as a September 8 release belongs with the two reelers and is so listed now.)	Beginning of 1937-38 Season  3019 Doctor Cupid—Ken Murray (20 m.) Sept. 4 3007 Postal Union—Geo, Price (21 m.) Sept. 11 3001 The Littlest Diplomat—Tech. (19 m.) Sept. 25 3008 Ups and Downs—Hal LeRoy (21 m.) Oct. 9 3013 Kiddie Revue—Revues Oct. 23	85226 Wed. (E.) .Oct. 20 85127 Sat. (O.) . Oct. 23 85228 Wed. (E.) . Oct. 27 85129 Sat. (O.) . Oct. 30 85230 Wed. (E.) . Nov. 3 85131 Sat. (O.) . Nov. 6 85232 Wed. (E.) . Nov. 10 85133 Sat. (O.) . Nov. 13

# HARRISON'S REPORTS

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No. 41

### A Study of the 1937-38 Season's Contracts - Article No. 8

#### Warner Bros.-First National

SCHEDULE:

The contract calls for 30 Warner Bros. pictures with production numbers from 201 to 230, and 30 First National pictures with production numbers from 251 to 280.

Blank spaces are provided for the insertion of (1) the number of days each picture is to run, (2) the flat rental, (3) the percentage terms, and (4) the score charge.

#### ADDITIONAL CLAUSES:

- 1. Blank spaces are provided for the insertion of a number of percentage pictures for preferred playing time.
- 2. Blank spaces are reserved for the insertion of percentage terms on which a given number of pictures (no more than 4) shall be played, in place of the terms written into the schedule.
- 3. The distributor reserves the right to interchange the rental terms of one or more features with the rental terms of any other feature, even to the extent of applying to a Warner Bros. picture the rental terms of a First National picture, or vice versa. It may interchange also the theatres at which the pictures shall be played, if the number of theatres mentioned in the contract is two or more.
- 4. Blank spaces are provided for the insertion of the admission prices the contract holder is to charge, the minimum price for adults being 15c.
- 5. Double-featuring of Warner-First National pictures is prohibited,
- 9. Blank spaces are provided for the insertion of the number of pictures offered and the number licensed. (In this connection, read what was said in the August 28 issue of HARRISON'S REPORTS, in the study of the MGM contract, clause Twenty-Eighth. It is highly important that you do so.)

#### MAIN CONTRACT:

Second Clause (a) and (b): This clause fixes the term of the contract and sets forth the remedies for its breach. It is the same as the Second Clause ("a" and "b") of the Universal contract, discussed in the October 2 issue.

THIRD (a): Payment of the fixed rental for each picture must be made at least 3 days before delivery of the print.

TENTH: This clause provides for the manner in which the application may become a contract. It is the same as clause Ninth of the Paramount contract, discussed in the September 4 issue.

ELEVENTH: The salesmen's promises are not binding unless they are written into the contract; and no modification whatever of the contract by oral understanding is valid.

TWELFTH: This clause relates to the assignability of the contract. (Read what was said about a similar provision in the interpretation of clause Nineteenth of the MGM contract, in the August 28 issue.)

FOURTEENTH: If either party to the contract is unable to perform with respect to some of the licensed pictures, for causes beyond its direct control, and so notifies the other party, in writing, the contract is deemed terminated as to those pictures.

FIFTEENTH (Cancellation Clause): This is the only major company that has retained the long, clumsy, antiquated 10% cancellation provision, contained in the contracts of previous seasons. It is almost an exact duplicate of the cancellation provision that was contained in the defunct NRA code. It seems as if Warner Bros.-First National lack the progressiveness of the other major distributors and so they have retained it when they should have discarded it at the time the NRA code was nullified.

Without going into the obscure and ambiguous details of the manner in which the exhibitor may exercise his cancellation right, I may say that the clause provides for the cancellation of one picture from each consecutive group of ten pictures licensed. Whether, however, the exhibitor has the right to cancel his portion of cancellable pictures cumulatively, he must ask Warner Bros. to enlighten him.

SEVENTEENTH: This clause relates to the disposition of pictures not "generally released" during the term of the contract. It is the same as clause Sixteenth of the Universal contract, discussed in the October 2 issue, except that it sets August 31, 1838, as the end of the release year.

TWENTY-FIRST: This clause deals with the roadshowing of some of the pictures. But it is meaningless, since the distributor may do whatever it pleases with any picture until such picture is released generally in the exchange territory out of which the contract holder is served.

TWENTY-SECOND: This clause provides for optional arbitration under the contract. (Read what was said about a similar provision in the interpretation of clause Twentieth of the MGM contract, in the August 28 issue.

#### A SIGNIFICANT COURT VICTORY

Independent exhibitors have good cause to rejoice at the outcome of the case known as Interstate Case, in the federal court of Dallas, Texas. Not since 1929, when Judge Thacher declared compulsory arbitration illegal, have they been favored with a court decision of so far-reaching effect. They should, indeed, be thankful to the Department of Justice for a well-earned victory.

The defendants in the suit, which was filed by the United States Government in the Federal District Court for the Northern District of Texas, Dallas Division, were the following: (1) Interstate Circuit, Inc., and Texas Consolidated Theatres, Inc., who operate two motion picture theatre circuits in Texas, comprising more than 100 houses; (2) Karl Hoblitzelle, president of these circuits, and R. J. O'Donnell, general manager of each; (3) the eight major distributing companies.

The Government asked the court to declare "unlawful and void" the provisions in the license agreements between the distributors and subsequent run exhibitors, "which restrict the price of admission and the right to exhibit double features," and to enjoin the distributors "from inserting in any future licensing agreement any such provisions,"

In its complaint the government charged that: (1) The eight major distributors controlled more than 80% of the high class features available for exhibition in the United States; (2) the two defendant-circuits have, for several years, had a virtual monopoly in the business of first run exhibition in many towns in Texas, and have, at the same time, been in active competition with independent exhibitors in the business of subsequent run exhibition in those towns; (3) until 1934 the subsequent run independent exhibitors had been showing double features for an admission price of 20c or lower; (4) in 1934 the two circuits demanded of the eight distributors that, before selling any product to subsequent run exhibitors in towns where the circuits had their first run houses, these distributors procure from such exhibitors an agreement to charge a minimum admission price of 25c and to refrain from showing double features; (5) complying with the demand of the circuits, each of the disrtibutors required such subsequent run exhibitors as sought license agreements for the 1934-35 scason to agree, by appropriate provision in the

#### "Fight for Your Lady" with John Boles, Jack Oakie, Ida Lupino and Margot Grahame

(RKO, Rel. date not yet set; time, 66 min.)

Good I It is to Jack Oakie's credit that the picture is as entertaining as it is; whenever the action starts to lag he comes through with his brand of comedy to pep things up. Although not startling, the story offers a pleasant combination of comedy and romance; a few musical numbers have been interpolated without retarding the action. Being mostly farcical in content, the story hasn't much human appeal; but as a romantic comedy it should entertain:—

John Boles, a famous eoncert singer, engaged to Margot Grahame, a gold-digging actress, is disconsolate when she breaks the engagement. He does not know that this was brought about by Oakie, who, realizing that Miss Grahame was false, had made her believe that Boles had lost his fortune. Unwilling to marry a man without any money, she jilts Boles and marries Oakie's protege, a wrestler. Boles, accompanied by Oakie, goes to Budapest to try to forget. He confides in a newspaper reporter that he wanted to die. The reporter suggests that he pretend to fall in love with Ida Lupino, a cafe entertainer, whose jealous fiance (Eric Rhodes) was considered the best duellist in Europe, the idea being that Rhodes would challenge Boles to a duel. This would have meant sure death to him. Things work out as planned, except that Boles actually falls in love with Miss Lupino, as she does with him. On the day of the duel, Rhodes is all set to kill his rival. But the timely arrival of Oakie saves Boles; having learned that Rhodes had a tender spot in his heart for all mothers, Oakie disguises himself as an old woman, and pretends to be Boles' mother. Rhodes thus lets Boles live. Miss Lupino is overjoyed; she promises to marry Boles.

Jean Neguleseo and Isabel Leighton wrote the story, and Ernest Pagano, Harry Segall, and Harold Kusell, the screen play; Ben Stoloff directed it, and Albert Lewis produced it. In the cast are Gordon Jones, Billy Gilbert, Paul Guilfoyle, and others.

Suitable for all. Class A.

#### "Angel" with Marlene Dietrich, Herbert Marshall and Melvyn Douglas

(Paramount, Oct. 29; time, 90 min.)

An ultra-sophisticated triangle drama. Although the theme is not novel, it has been handled so skilfully by Ernst Lubitsch, whose master touch is discernible throughout, that the spectator's attention is held throughout. No expense was spared in providing a lavish background for the story; and Miss Dietrich's gowns are in keeping with the sets. But because of the lack of action it is doubtful if the picture will appeal to the masses; the urbane story is primarily suited for class audiences. Some of the situations and of the dialogue are pretty sexy:—

Miss Dietrich, married to a titled English foreign assistant secretary (Herbert Marshall), who had neglected her because of official duties, while on a visit to Paris, meets Melvyn Douglas at a salon operated by Laura Hope Crews, a former Grand Duchess. They have a delightful romantic evening together, after which she goes back home. Douglas, having fallen in love with her, is determined to find her, even though he didn't know her name or anything about her. Through a peculiar chain of circumstances, Douglas becomes acquainted with Marshall, and accepts Marshall's invitation to have luncheon at his home. Douglas is naturally shocked to find that Miss Dietrich was Marshall's wife. He tries to persuade her to meet him again, but she refuses; she regretted her escapade and wanted to forget it. But when Marshall again disappoints her about taking a vacation together, she decides to go back to Paris and to Douglas. Marshall accidentally finds out about the affair; he follows Miss Dietrich to Paris, and confronts her at the salon, where Douglas, too, was waiting for her. After a revealing talk, Marshall tells Miss Dietrich that he would not neglect her again, and that he wanted her to forget all about the past and live only for the future. Happy, she leaves with him, to start life anew.

The plot was adapted from the play by Melehior Lengyel; Samson Raphaelson wrote the screen play, and Mr. Lubitsch directed and produced it. In the east are Edward Everett Horton, Ernest Cossart, Herbert Mundin, and others.

Unsuitable for children or adolescents. Strictly adult fare. Class B.

#### "Danger—Love at Work" with Ann Sothern and Jack Haley

(20th Century-Fox, Nov. 5; time, 801/2 min.)

This farce, centering around a crack-brained family, is fair entertainment. Occasionally the actions of the different members of the family are extremely comical; but for the most part the comedy is forced, and it is too ridiculous, even for a farce. It is somewhat on the order of "Three Cornered Moon," produced in 1933, but not as good, for two reasons: first, it hasn't the spontaneous eomedy of the other, and, secondly, it lacks human appeal—there isn't one character for whom the spectator can feel sympathy.

In the development of the plot, Jack Haley is sent by his law firm to obtain the signatures of the members of Ann Sothern's family to papers confirming the sale of a farm owned by them. It is not until his arrival at their home that he realized how difficult his task was, for each member of the scatter-brained family was completely incapable of listening to reason. He goes back to New York dejected, because he had fallen down on the job. But Miss Sothern, who had fallen in love with him, follows him to New York, remembering that he had told her about his position's being in jeopardy if he could not get the signatures. By hiding from her the fact that he was wealthy in his own right, he gets her to ecoperate with him in obtaining the signatures. Things become complicated when Edward Everett Horton, Miss Sothern's forceful fiance, tries to stop the sale when he thinks he had discovered oil on the property. He buys it himself, only to discover that there was no oil on it, and that he had made a bad deal. He loses, not only money, but also Miss Sothern, who had run off with Haley to be married.

James E. Grant wrote the story, and Ben Marskon and J. E. Grant, the screen play; Otto L. Preminger directed it, and Harold Wilson produced it. In the cast are Mary Boland, John Carradine, Walter Catlett, and others.

Morally suitable for all. Class A.

#### "Life Begins in College" with the Ritz Brothers, Tony Martin and Gloria Stuart

(20th Century-Fox, Oct. 1; time, 93 min.)

What might have been just another football picture is turned into excellent entertainment because of clever handling. The story doesn't matter much; it is the eomedy that is the important feature. The Ritz Brothers dominate the picture and have never appeared to better advantage; their antics in several situations, starting from the very beginning, are so screamingly funny, that the audience is kept laughing throughout. And to top it off, the handling of the football games was done skilfully; by eombining comedy with clever playing, the director succeeded in making the games so exciting that they should thrill audiences both young and old. It has what the masses want—comedy, romance, and thrills; it should do big business:—

When Fred Stone, football coach, is threatened with dismissal, Nat Pendleton, a millionaire Indian student, decides to help him. Not wanting any one in eollege to know about his wealth, he gives the Ritz Brothers, college tailors, large sums of money to contribute to the school, instructing them to demand that Stone be retained as coach. Pendleton proves to be so good a player that he brings fame to the team. Dick Baldwin, captain of the team, is in love with Gloria Stuart, the coach's daughter; but because of several misunderstandings they are kept apart. At the final and most important game of the season, Pendleton is taken out because the officials had discovered that he had once accepted money in a game, even though this money had been forced upon him. Baldwin is compelled to carry the burden of the game. With the help of the Ritz Brothers, who are put into the game at the last minute, the team wins, much to the happiness of all concerned. The misunderstandings between Baldwin and Miss Stuart having been cleared up, the lovers are reconciled. And the Ritz Brothers become the college heroes

The plot was suggested by a series of stories by Darrell Ware; Karl Tunberg and Don Ettlinger wrote the screen play, William A. Seiter directed it, and Harold Wilson produced it. In the east are Joan Davis, Joan Marsh, Jed Prouty, Maurice Cass, and others.

Class A.

#### "There Goes the Groom" with Burgess Meredith, Ann Sothern and Onslow Stevens

(RKO, Rel. date not yet set; time, 64 min.)

This slapstick comedy is just moderately entertaining. It has some bright moments when the comedy runs high, provoking much laughter. But for the most part the silliness of the proceedings becomes annoying to the spectator, who loses interest in the outcome. Burgess Meredith tries his best to put life into the "sappy" part assigned to him, but he is only fairly successful for the reason that he does not suit it particularly; but it is doubtful if any one could have done better with the trite material:—

Meredith, having made his fortune in the gold mines at Alaska, returns to the States after a three years absence to marry Louise Henry, whom he had not forgotten for one moment. When her impecunious but socially prominent family finds out about Meredith's fortune, they try to hide from him the fact that Miss Henry had in the meantime become engaged to Onslow Stevens, a physician. But Meredith soon finds this out. He turns to Miss Henry's sister (Ann Sothern), who had always loved him; she comforts him. And so he decides to marry her. But the day before the marriage he becomes frightened, particularly since he imagined himself still in love with Miss Henry. When he meets with an accident, he pretends to be suffering from amnesia. Miss Sothern finds out about the trick and decides to teach him a lesson. With the help of Stevens, she sees that Meredith is put through rough treatment in order to "bring back" his memory; and then she exposes Miss Henry and her family for what they really were. Meredith naturally comes to life, realizing that it was Miss Sothern he really loved and wanted to marry.

David Garth wrote the story, and S. K. Lauren, Dorothy Yost, and Harold Kusell, the screen play; Joseph Santley directed it, and Albert Lewis produced it. In the cast are Mary Boland, William Brisbane, Roger Imhof, and others. Suitability, Class A.

## "Idol of the Crowds" with John Wayne and Sheila Bromley

(Universal, Oct. 10; time, 621/2 min.)

A fairly good little program action melodrama, with ice hockey as the background. Because the action is kept moving at a fast pace, one's attention is held fairly well throughout. John Wayne, as the hero, is a sympathetic character; he wins one's good will by his refusal to become mixed up with gamblers, who had attempted to bribe him to throw games. His kindness towards Billy Burrud, a twelve year old friend, is another pleasant feature. The closing scenes are fairly exciting, for Wayne risks his life to play so as to help his team win, despite threats from gamblers, who had wagered \$200,000 against his team: By pretending to have been hurt in one of the games, he is sent to the hospital; he thus led the gamblers to believe that he would not play in the game. His appearance at the last moment naturally shocks them; they attempt to kill him, but are thwarted by the timely arrival of the police. Wayne, tired of the hectic city life, goes back to the country, where he had lived before becoming a hockey player, taking with him the girl he had met in the city (Sheila Bromley) as his wife, and Billy.

George Waggner wrote the story, and he and Harold Buckley, the screen play; Arthur Lubin directed it, and Paul Malvern produced it. In the cast are Charles Brokaw, Jane Johns, Huntley Gordon, Russell Hopton, and others. Suitability, Class A.

## "Escape by Night" with William Hall and Anne Nagel

(Republic, Sept. 20; time, 671/2 min.)

Fair entertainment; it should give satisfaction where audiences like erook melodramas, except that those who are critical may be annoyed by several inconsistencies in plot development and somewhat far-fetched incidents. Although dealing with crooks, the story is not demoralizing, for it stresses the regeneration angle, making the picture suitable for all. There is plentiful human appeal, some comedy, and two appealing romances:—

On arriving in New York from a mining town, William Hall does his first good deed by saving Steffi Duna from kidnappers; he receives a gun wound. She takes him to a friend's apartment to have the wound treated. Hall is soon aware of the fact that she and her friends were crooks, and

that her boy friend (Dean Jagger) was the leader. When the police arrive, he is compelled to run away with the gang. Jagger orders them to proceed without him. After riding for some time, they stop at a run-down farm owned by Anne Nagel and her blind father; and, by pretending to be vacationists, they induce Miss Nagel to take them in as boarders. The four (Hall, Miss Duna, Ward Bond, and Murray Alper) soon grow to love the country life; by working hard, they help Miss Nagel restore the place to its former beauty. Her father had never known that it had become run down. Jagger, finding out where they were hiding, arrives to take them back with him. When they refuse to leave, he robs the town bank, leaving evidence showing that the four were wanted by the police. They naturally are arrested. Bond and Alper are compelled to serve terms, promising to return; but Miss Duna and Hall are given suspended sentences. Hall finds happiness with Miss Nagel, and Miss Duna with George Meeker, the town banker who had fallen in love with her.

Harold Shumate wrote the original screen play and produced the picture; Hamilton MacFadden directed it. Charles Waldron and Dog Bill are in the cast.

Suitability, Class A.

#### "Behind the Mike" with William Gargan and Judith Barrett

(Universal, Sept. 26 [1937-38]; time, 68 min.)

Moderately entertaining program fare. The story is inane and lacks human appeal. Despite the hard work by the players, the picture falls flat, for they cannot cope with the trite material given them. The constant talk and the silly action tires one before the picture is half finished. A mild romance is worked into the story:—

William Gargan, a radio announcer, loses his job when he knocks out a sponsor who had criticized his program. He goes to a small town to manage a radio station, only to find that the company was located in a barn, had only one sponsor, and no money to work with. He is determined to put it over just to show Judith Barrett, manager of the town's large broadcasting station, that he was capable. His chance comes when he accidentally stumbles upon information involving the Mayor and the owner of Miss Barrett's station in a public scandal. He broadcasts the news through his program, and it creates a sensation. Receiving a call from his old New York station to return, he gratefully accepts the offer; Miss Barrett goes with him as his wife.

Thomas Ahearn and Walter Butterfield wrote the story, and Barry Trivers, the screen play; Sidney Salkow directed it, and Lou Brock produced it. In the cast are Don Wilson, Sterling Halloway, William Davidson, and others.

Suitability, Class A.

#### "A Bride for Henry" with Warren Hull, Anne Nagel and Henry Mollison

(Monogram, Sept. 29; time, 58 min.)

A fairly good comedy. Although not unique in story values, it is entertaining, provoking laughs on many occasions. Monogram has given it an excellent production—the settings are lavish, and the photography and sound, good. It is a variation on the taming of the shrew and triangle themes, all developed from a comedy angle, and ending in the romantic manner hoped for by the spectator:—

When Henry Mollison is late for his wedding, Anne Nagel, his bride-to-be, is infuriated and decides to teach him a lesson by marrying some one else. She chooses Warren Hull, the family lawyer, who was secretly in love with her. After the wedding they start off on the honeymoon; but Miss Nagel lets it be known right away that it was Mollison she loved, and that she married Hull only to spite Mollison; also that she would soon get a divorce. As she expected, Mollison arrives and spends his time with her. When she notices how popular is Hull with the ladies, she becomes interested in him and eventually realizes that she loved him and not Mollison. It is she who has to plead with Hull not to divorce her; she tells him she loved him and so they are happily united.

Josephine Bentham wrote the story, and Marion Orth, the screen play; William Nigh directed it, and Dorothy Reid produced it. In the cast are Claudia Dell, Betty Ross Clark, Lyle Moraine, and others.

license agreements, to charge a minimum admission price of 25c and not to show double features; and (6) the same restrictions were imposed by the distributors on the subsequent run exhibitors in the license agreements for the seasons of 1935-36 and 1936-37

All these charges, the Government asserted, constituted a "combination, conspiracy and agreement to restrain trade or commerce in motion picture films and to monopolize and attempt to monopolize their exhibition.

District Judge William H. Atwell, who presided at the trial, rendered a decision in favor of the Government, granting the relief sought. At the same time, Judge Atwell, in an opinion noteworthy for its comprehension of the steps and problems involved in the distribution and exhibition of motion pictures, for its clear analysis of the facts presented. and for its logical deductions and conclusions from those facts, set out the reasons for his decision. In it one finds potent language that defines the bounds of protection offered by the Copyright laws, beyond which the copyright owner of films may enter only at the peril of violating the anti-trust laws.

Conceding that the copyright owner of motion picture films has the right to do with them as he pleases, since they are copyrighted, Judge Atwell cautioned as follows: "This well-defined right, however, will not justify his agreeing or combining with another person in order to deprive a third person of a complete freedom of contract. The copyright statute and the anti-trust statute are both in effect and vitally necessary."

To explain his meaning further, Judge Atwell wrote: "The owner of the copyrighted article may contract with the exhibitor, without the intervention of any third mind, for full and free protection, both as to price and manner of use, but when the outside mind, with an interest to serve, steps into the picture,—the contracting room—and interjects, persuades and coerces the copyright owner to join with it in its protection, as against the party to whom the copyright holder is selling or contracting, then and in that event there are two or more persons engaged on the side of the copyright holder, when the law gives only one privi-leges and immunities. Such a unity of minds, if it be in restraint of interstate commerce, is illegal. The copyright privileges do not save it from illegality.

"The sharp issue—the battleground—of this case, is whether the respondents conspired together to bring about the fixing of the minimum 25c charge by the subsequent exhibitor and the destruction of the practice of double

Summarizing the facts relative to the increase in admission prices and the elimination of double features by the subsequent-run exhibitors, Judge Atwell concluded that the existence of a conspiracy and agreement among the defendants was inescapable. He pointed to the fact that, in the contracts between the circuits and the distributors, each distributor's promise to enforce such admission-price increase and double-feature elimination appeared in the identical language that had been demanded by the circuits. Consequently, to hold otherwise than that such a conspiracy existed, "would be to ravish the power to reason.

"The conviction is inescapable," he said, "that there was such an agreement. Beyond even the citing of testimony is the irrefutable further fact that such contracts as the exhibitor respondents [the circuits] made with each of the distributor respondents, was, itself, in violation of the Sherman Anti-Trust Law."

The distributors, of course, had denied the existence of a conspiracy; they charged that the government had drawn an unwarranted inference from the mere fact of their having maintained offices-their local exchange centers-in close proximity to one another.

To Judge Atwell, this protestation of injured innocence, this cry, "I am being persecuted on groundless circumstantial evidence," must have seemed as ludicrous as the act of an ostrich that hides its head in the sand in the belief these decreases decreased for the belief that hides its head in the sand in the lief that it escapes danger, for he brushed it aside with the following language:

Because the hog raisers and cattle shippers may be found at the packing houses, or, that all of the large department stores are in the center of the cities, does not mean that there is any combination among them. Such inferences as that are beyond the pale of reason. Deductions in this case grow out of actual facts of agreement and not out of such shadows.

"It is not a case of all persons in a burning building with but one exit making for that exit upon discovery of the peril. No deduction of an agreement could be made from that action. It is rather the case of persons in a building with many exits, who, upon the coming of a certain moment, all make for the identical exit, and when the investigation is made, it is discovered that each had been told to make for that exit at that particular time, and if he did not do so, some penalty would be visited upon him.

"After all, a contract-agreement, conspiracy-is merely the meeting of the minds. Such meeting may be evidenced by a written instrument, or, by identical action, at a given time, with reference to the identical matter. And the testimony irrefutably establishes the fact that the same action was suggested to each party who, thereafter, so acted. That prior to that, each had been going a different way-seeking a different exit-to continue the metaphor.

"In reaching the conclusion, which seems to me inescapable, that they acted together, I have applied, in thoughtcareful thought—the rules with reference to burden of proof, and the giving of the respondents the benefit of the rule which requires the establishment of such an agreement to exclusion of every reasonable hypothesis of innocence.

"The citizen has the right to go to another citizen to make a contract and to have that other citizen free from any inhibiting prior agreement to limit the rights of him who seeks. The subsequent small theatre exhibitor who wanted the right to show a class A film at 10 or 15 cents or 20 cents has a right—that right which belongs to every free man-to contract with the owner of the film, free to exercise his own judgment. This evidence shows that no such subsequent run exhibitor had a field of that sort with the distributor defendants. There had already been a preoccupation of this very field of agreement. Some of his rights had already been taken from him. . .

"Good motives, good intentions, are not a defense to actions brought for violations of this statute. Nor is one's desire to have his own business prosperous a defense. Nor is the desire to see those who join in the formation of the plan prosperous, a satisfactory answer to the negations of the law.

"It follows that the practice complained of is an illegal one, and that the respondents should be restrained from continuing to follow it."

An interesting angle of the case, relating to the last paragraph of Judge Atwell's opinion (not quoted here) will be discussed in next week's issue, at which time also the possible effects of the decision will be taken up.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIR-CULATION, ETC., REQUIRED BY THE ACT OF CON-GRESS OF MARCH 3, 1933, OF HARRISON'S REPORTS, published Weekly at New York, N. Y., for Oct. 1, 1937.

State of New York. County of New York.

Before me, a Notary Public, in and for the State and County aforesaid, personally appeared P. S. Harrison, who, having been duly sworn according to law, deposes and says that he is the Editor of the HARRISON'S REPORTS and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of March 3, 1933, embodied in section 537, Postal Laws and Regulations, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business manager, are:
Publisher, Harrison's Reports, Inc., 1270 6th Ave., New York, N. Y. Editor, P. S. Harrison, 1270 6th Ave., New York, N. Y. Managing Editor, None.
Business Manager, None.

2. That the owner is: Harrison's Reports, Inc., 1270 6th Ave., New York, N. Y. P. S. Harrison, 1270 6th Ave., New York, N. Y.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent. or more of total amount of bonds, mortgages, or other securities are: None.

bonds, mortgages, or other securities are: None.

4. That the two paragraphs next above, giving the name of the owners, stockholders, and security holders, if any, contain not only the list of stockholders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustees or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of bona fide owners; and this affiant has no reason to believe that any other person, association, or corporation, has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by him.

(Signed) P. S. HARRISON,
(Editor).

Sworn to and subscribed before me this 25th day of September,

Sworn to and subscribed before me this 25th day of September, 1937.

LILLIAN SILVER.

Entered as second-class matter January 4, 1921, at the post office at New York, New York, under the act of March 3, 1879.

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Vol. XIX

SATURDAY, OCTOBER 16, 1937

No. 42

### A Study of the 1937-38 Season's Contracts - Article No. 9

#### Monogram

SCHEDULE:

The contract calls for 26 features, named, and numbered from No. 3701 to 3726.

Blank spaces are provided for the insertion of the rental terms of the pictures.

RE-APPLICATION: The distributor has the right to apply the rental terms of any picture to the rental terms of any other picture, provided it does not increase the total number of pictures to which the same rental terms apply. In other words, if the contract calls, for instance, for 3 pictures at \$25 each, Monogram may not, through this clause, increase the number of \$25 pictures to 4 or more.

To take advantage of this right of re-application, the distributor must notify the contract holder about the picture affected not later than the day it sends him notice of that picture's availability.

#### MAIN CONTRACT:

Second Clause: The contract runs for one year from the date fixed for the exhibition of the first picture.

During that year, all the licensed pictures are to be played and paid for.

FIFTH: Payment of the fixed rental for each picture must be made at least seven days before the print is shipped.

SEVENTH: If the contract provides that the pictures are to be played subsequent run, the contract holder agrees to play them without a prior run, just the same, should the distributor so decide.

TENTH: Should the contract holder receive a damaged print, he must notify the exchange, by telegraph, before the second public showing of the film; otherwise he is held liable for the damage.

TWELFTH: This clause relates to the assignability of the contract. (Read what was said about a similar provision in the interpretation of clause Nineteenth of the MGM contract, in the August 28 issue.)

TWENTIETH: Until the distributor notifies the applicant for a contract, by either mail or telegraph, that it has accepted the application, such application does not become binding, and the applicant has the right to withdraw it; and unless the distributor sends notice of acceptance within a fixed number of days after the date of the application, (the contract specifies the number of days for each exchange territory), it is deemed withdrawn.

TWENTY-SECOND: The salesmen's promises are not binding unless they are written into the contract.

TWENTY-THIRD: If the distributor should succeed in a suit against the contract holder for either rentals or damages, it may collect also 10% of the amount of the judgment as its reasonable counsel fees.

## MORE ABOUT THE DALLAS DECISION

In last week's issue, this paper gave a summary of the Interstate Case brought in the Federal Court of Dallas, and decided by Judge William H. Atwell in favor of the Government.

Owing to lack of space, one of the most interesting elements of the case had to be passed without mention—the closing sentences of the judge's opinion. Judge Atwell had ruled that, since motion picture films were copyrighted, the owner of the films had the right to license the exhibition of them upon any terms he saw fit, but that such right "would not justify his agreeing or combining with another person in order to deprive a third person of a complete

freedom of contract." The copyright privileges would not save either such an agreement or such an arrangement from illegality.

Specifically applied to the defendants and to the facts in the Interstate Case, this ruling might be interpreted to mean that any distributor had the right to license the exhibition of a picture upon any terms he pleased, and to grant to the licensee even the right to exhibit the picture exclusively, so that no other exhibitor might, at any time, exhibit such picture; but the distributor had no right to license the exhibition of the picture to one exhibitor with the understanding that other exhibitors be permitted to play the picture only if they conformed to certain conditions; as for instance, to those relating, either to the admission prices, or to the number of features that might be shown on one program.

Judge Atwell ruled that, in the case before him, the distributors had contracted with the two circuits (Interstate Circuit and Texas Consolidated Theatres) for the first-run exhibition of their pictures, upon the condition, however, that the distributors refuse to contract with subsequent-run theatres unless the subsequent-run exhibitors agreed to charge a minimum admission price of 25c, and to discontinue double features. Consequently, he decided that the entire practice was illegal, and that the defendants should be restrained from continuing to follow it.

The Judge probably feared that the defendants might try to get around the terms of his injunction against this practice, by taking advantage of some of the language in the opinion. The distributors might, for example, decide to grant exclusive licenses to the two circuits, thus depriving the subsequent-run theatres of product completely. Anticipating such a move, Judge Atwell concluded his opinion with the following declaration:

"The distributor respondents have the legal right to contract for the exclusive exhibition of their copyrighted pictures to the respondent exhibitors [the two circuits], but if they should do so as a result of a common understanding, that, too, would be illegal. If they do that without any such common understanding or agreement, it is free from condemnation, so far as the law is concerned. They must not, in their contracts with the exhibitor respondents contract away their rights to contract, completely and fully, with other exhibitors, if they contract at all. Therefore, in shaping this decree, these suggestions will be followed by the attorneys in declaration of illegality and restraint."

The Judge's rulings may be summarized as follows:

- 1. A distributor may grant to any exhibitor the right to play its pictures exclusively.
- 2. The distributor may, without the intervention of a third party, no matter whether such party is either an exhibitor or another distributor, impose upon the licensee of its pictures any terms it sees fit.
- 3. A distributor may not make an arrangement with one exhibitor as to the terms upon which a picture shall be licensed to another exhibitor.
- 4. Distributors may not, through any arrangement among themselves, fix the terms upon which each shall grant exhibition licenses, nor agree that they will grant the exclusive exhibition rights only to certain exhibitors.

These rulings, although of great import, are not so unique as to raise much doubt with respect to their soundness. Only about two years ago, U. S. District Judge Moore, in the St. Louis criminal case, charged the jury party as follows:

#### "Youth on Parole" with Marian Marsh and Gordon Oliver

(Republic (1936-37), Oct. 4; time, 62 min.)

An appealing human interest drama. Although the story is somewhat far-fetched, it holds one's attention because of the sympathy one feels for the hero and the heroine. Those who look for action in a picture may find it a little too slow for their tastes, for most of the story is concerned with the efforts of the hero and of the heroine to rehabilitate themselves after having served prison terms for a crime they had not committed. The pleasant part is the fact that, despite all the handicaps and discouragements, they do not resort to anything evil, always trying to do their best to earn their way in an honest manner. Marian Marsh and Gordon Oliver portray the respective characters with realism, and make the spectator respect them. The closing scenes, in which the villains are trapped, are fairly exciting:—

Miss Marsh and Oliver, strangers to each other, happen to be looking at a jewelry store window just as two crooks smash the glass and steal two trayfuls of diamonds. Just before escaping, the crooks put some of the jewelry into the pockets of Miss Marsh and Oliver. The police arrest them as accomplices; they are tried and each sentenced to two years imprisonment. After eighteen months they are paroled. Miss Marsh, discouraged because of her inability to find a position, calls up Oliver to meet her for a chat. Their friendship develops into love and they help each other. They finally get positions; but Oliver's joy is turned to despair when he is discharged because his employer had found out he had served a prison term. Learning from a former cell-mate about the gang that had framed him, he decides to clear his name. He and Miss Marsh go to see the gang leader and, by convincing him that they were crooks, induce him to take them into the gang. They are assigned to help his men rob a store. Just before the job is done, the leader finds out who they were and plans to trap them by notifying the police of the contemplated robbery, and then leaving them to take the blame. But they had already taken the police into their confidence. As a result, the criminals are trapped. With their records cleared, the lovers decide to marry.

Hershel Rebuas wrote the original screen play; Phil Rosen directed and produced it. In the cast are Margaret Dumont, Peggy Shannon, Joe Caits, and others.

The robberies make it unsuitable for children. Class B.

# "Life Begins with Love" with Douglass Montgomery, Jean Parker and Edith Fellows

(Columbia, Oct. 7; time, 68 min.)

All one can do is feel sorry for the performers, who have taken part in so infantile and ridiculous a story as this; it is up to the level of intelligence of a five-year-old child. The theme is the old one, of the rich wastrel who is regenerated through the influence of the poor but proud girl; but, in addition to the familiarity of the plot, the action is for the most part so far-fetched that the spectator loses patience with the whole thing. One cannot even feel sympathy for the different characters because of the silly situations in which they are placed.

In the development of the plot, Douglass Montgomery, while intoxicated, makes a speech on a soap-box telling the crowd that when he inherited the family fortune he would share his wealth. He wakes up the next morning to find his home surrounded by tramps and others, clamoring for his money; and he is compelled to listen to scoldings from his irate grandfather and angry fiancee (Leona Maricle). In order to escape from every one, he goes to the nursery home founded by his grandfather, and, by posing as a poor, hungry man, he induces Jean Parker, head of the nursery, to give him a job. They soon fall in love with each other. One of the children (Edith Fellows), jealous because Miss Parker was showing an interest in Montgomery, learns who he is and telephones to Miss Maricle. Montgomery is compelled to go back home; but the shallow life does not appeal to him any more. He gets rid of Miss Maricle by telling her he would not accept his grandfather's money; this leaves him free to propose to Miss Parker.

Dorothy Bennett wrote the story, and Thomas Mitchell and Brown Holmes, the screen play; Raymond M. McCarey directed it, and Myles Connolly produced it. In the cast are Lumsden Hare, Aubrey Mather, and James

Morally suitable for all. Suitability, Class A.

Burke.

#### "Madame X" with Gladys George, John Beal and Warren William

(MGM, Oct. 1; time, 71 min.)

Produced twice before, once in 1920, with Pauline Frederick in the leading part, and again in 1929, with Ruth. Chatterton as the star, this famous tear-jerker of mother love must now be relegated to the class of outmoded stories. Time has somehow weakened its emotional appeal, for what was heart-rending in the old days seems somewhat maudlin now. Praise must be given, however, to Gladys George for her marvelous performance in the mother role; she is particularly effective in the situation where she confronts and kills the villain, who had planned to blackmail her husband. Alongside her performance, the others seem mild and of slight importance. What had been the most dramatic situation in the first two versions—the court room scene—is not as strong here.

The story tells of the price Miss George pays for one indiscretion. Married to Warren William, a famous Parisian lawyer, and mother of his child, she had fallen in love with Phillip Reed and had had an affair with him. While at Reed's apartment, she is horrified when his cast-off mistress enters and kills him. She is able to escape without being detected. But William, realizing that she had a lover, turns her out of the house. She sinks lower and lower until she reaches the gutter. In Havana, she is befriended by Henry Daniell, a blackmailer; while in a drunken stupor she accidentally lets slip the name of her husband and the cause of her downfall. Without telling her of his plans, Daniell induces her to go back to Paris with him; as soon as he arrives there he sets his plans to blackmail William. Finding out about his intentions, Miss George kills him. When arrested, she refuses to talk. It is only when she learns that the lawyer the state had assigned for her defense was her own son (John Beal) that she starts to talk; she tells how she had to kill the man to shield the ones sheloved from disgrace. But she does not disclose her identity. Beal, finding himself drawn to the woman, is miserable because he could not help her. She dies in his arms just before the jury was to have announced its verdict.

The plot was adapted from the play by Alexandre Brisson; John Meehan wrote the screen play, Sam Wood directed it, and James Kevin McGuinness produced it. In the cast are Reginald Owen, William Henry, Lynne Carver, and others

Not suitable for children. Adult fare. Class B.

#### "Renfrew of the Royal Mounted" with Jimmy Newill and Carol Hughes

(Grand National, Sept. 17; time, 57 min.)
A fair Royal Mounted Police melodrama. Although the story is not novel, it has plentiful fast action and exciting fist fights to satisfy the fans. James Newill makes a good impression in the title part; he has a natural manner and a good singing voice, which he uses to advantage on several occasions. One is held in suspense until the end, for it is not until then that the villain and his gang are captured. All during the picture Newill, Carol Hughes (heroine), and her father (Herbert Corthell) are in danger of being killed by the villain. One is in sympathy with Corthell, a former convict, who, against his will, had been forced to make engravings for the counterfeit bills manufactured by the villain. It is through his courage that the villain and his gang are finally traced: on the plate of one of the bills. he engraves a message for help. Newill, while examining one of the counterfeit notes with a magnifying glass, notices the message and, since his close friend, also of the force, had been murdered by the counterfeiters, he is intent on risking. his own life to capture the gang himself. Miss Hughes, who had become acquainted with Newill, thinking that he was after her father for the murder, tries to reach her father in time to warn him. It is not until she arrives at the counterfeiters' hideout that she realized the danger to her father. In the end, Newill rounds up the gang, and saves Miss Hughes and her father from death; they had been put in a refrigerator by the villain's henchman into which fumes were seeping. Miss Hughes, realizing that Newill did not mean any harm to her father, accepts his proposal of marriage.

Laurie Y. Erskine wrote the story, and Charles Logue, the screen play; Al Herman directed and produced it. In the cast are Thundercloud, William Austin, William Royle, Kenneth Harlan, and others.

#### "She Asked For It" with William Gargan and Orien Hayward

(Paramount, Sept. 17; running time, 68 min.)

A program picture of minor importance. In an attempt to burlesque the current voguc of detective stories so as to provoke laughter, the producers went to extremes. The action for the most part is silly; on occasion, that is, for stretches of two or three minutes at a time, the story becomes serious. But it is difficult for one to take it seriously, because the general tone is that of farce. William Gargan does his best with the silly part assigned to him:— Gargan and his wife (Orien Heyward), accustomed to

being supported by Gargan's uncle, are shocked when he dies without leaving a will; his fortune, therefore, goes to his worthless son. Gargan hits upon the plan of writing detective stories for a living and, in a short time, his books become best sellers. Rebeling at writing the trash he had been turning out, Gargan refuses to live up to his contracts. This so annoys his wife that she goes to Reno and obtains a divorce. It is then that Gargan confesses to his publisher that he had run out of ideas. He decides to pose as the detective he had created in his novels, hoping thereby to gather sufficient material for a new novel. And it works: he becomes embroiled in a murder mystery, in which his own cousin was involved, proving that a so-called accident company, headed by Harry Beresford, had killed old wealthy people and, by making it appear as if they had died by accident, collected part of the estate as their fee. Proud of the work Gargan had done, Miss Heyward begs to be taken back.

Frederick Jackson, Theodore Reeves, and Howard I. Young wrote the screen play, Erle C. Kenton directed it, and George Auerbach produced it. In the cast are Vivienne Osborne, Richard Carle, and others.

Not for children. Class B.

#### "Partners in Crime" with Lynne Overman, Roscoe Karns and Muriel Hutchison

(Paramount, Oct. 8; running time, 611/2 min.) Mediocre! First, the story is ridiculous to the point of annoyance; secondly, the performances are weak. It is a muddled attempt to combine comedy with melodrama, with the comedy falling flat, and the melodramatic angle far from exciting. Even the romantic angle is silly. In addition, the players carry little weight at the box-office.

The story tells of the efforts of Lynne Overman, a private detective, to prevent Muriel Hutchison and her pal (Anthony Quinn) from blackmailing the liberal candidate for Mayor. He finds out that they had been engaged by the opposing candidate to trump up a charge of bigamy against his opponent. Overman is successful in preventing them from getting blackmail money; but the liberal candidate is compelled to resign when Miss Hutchison, in the presence of party officials, insists that he was her father. By a trick, Overman gets the officials to nominate for Mayor Roscoe Karns, his pal. Karns wins the election; but he is Mayor only for a few minutes because his opponent proves that Karns was not an American citizen.

Kurt Steel wrote the story, and Garnett Weston, the screen play; Ralph Murphy directed it. In the cast are Inez Courtney, Lucien Littlefield, Charles Halton, Charles Wilson, and others.

Unsuitable for children, Class B.

#### "Lancer Spy" with George Sanders and Dolores Del Rio

(20th Century-Fox, Oct. 8; time, 83 min.)

A good espionage melodrama, well produced and directed. Despite an implausible story, one's attention is held throughout for two reasons: first, because of the striking dual role performance by George Sanders—he makes both characters so believable that one remains intensely interested in whatever he does; secondly, because of the tense suspense in which the spectator is held owing to the dangerous mission into which Sanders, as a British subject, is thrust. The beginning is very dramatic; then it peters out a little, and becomes exciting again, ending in a thrilling manner. The action takes place during the World War:—

When the British capture a German officer (Sanders) of high rank, the officer in command is amazed at the man's striking resemblance to one of their naval officers (played also by Sanders). Lionel Atwill, head of the Intelligence Department, calls the British officer to his quarters and, placing him in a room next to the German's, instructs him to study the man's actions through a secret panel—to learn his habits, his mannerisms, and accent.

When the British authorities are satisfied that their officer could pass for the German, they execute the German officer, and then change the appearance of the Englishman to conform to that of the German's. A notice is printed in the paper that the British officer had been lost at sea. The "German" officer is permitted to escape with his orderly. Once he reaches Germany, he is hailed as a national hero. But the German Intelligence head suspects him, and soon has enough information to confirm his suspicions. Sanders, with the help of Dolores Del Rio, a German spy, who had fallen in love with him, escapes just as the soldiers were closing in on him. He takes with him important papers he had stolen from the office of the Army head; it is these papers that help the British win the war.

Marthe McKenna wrote the story, and Philip Dunne, the screen play; Gregory Ratoff directed it, and Samuel G. Engle produced it. In the cast are Peter Lorre, Virginia Field, Sig Rumann, Joseph Schildkraut, and others. Suitable for all. Class A.

#### "Carnival Queen" with Robert Wilcox, Dorothea Kent and Hobart Cavanaugh

(Universal, October 3; time, 66 min.) Mediocre program fare. There is nothing outstanding about it, either in production, acting, or story. For no reason at all, the heroine is made to act in so silly a manner, that one loses patience with her. The action, until the closing scenes, is slow; there it peps up a little, ending in a fairly exciting manner, with a fight between thugs and policemen. The material being trite, there is not much that the players can do to give the picture any box-office value:

When Dorothea Kent learns from her guardian (Ernest Cossart) that the estate her father had left was dwindling, and that one of his holdings, a carnival show, which had made money, was now a complete failure, she decides to investigate the show herself. With Cossart's help, and without revealing her identity, she gets a job in one of the side-shows, as assistant to Hobart Cavanaugh, a magician. Herbert Wilcox, who had been made manager at Miss Kent's suggeston, in place of G. Pat Collins, uses new ideas to put the show over; these ideas begin to show results. When the receipts of a benefit show are stolen from Wilcox, Miss Kent is arrested as a suspect. She then reveals her identity, and is naturally freed. Wilcox, with Miss Kent's help, finally discovers that Cavanaugh was the leader of a gang of bank robbers who had been using the carnival as a blind, and that his gang had stolen the money. The police round up the gang. Wilcox declares his love for Miss Kent; they plan to marry and to go on with the carnival.

Richard Wormser wrote the story, and James Mulhauser, Lester Cole, and Harold Buckley, the screen play; Nate Watt directed it, and Robert Presnell produced it. In the cast are Harry Tyler, David Oliver, Billy Wayne, and others

The robbery makes it unsuitable for children. Class B.

#### "The Lady Fights Back" with Irene Hervey and Kent Taylor

(Universal, Sept. 19; time, 63 min.)

Fair. In adapting this from the novel "Heather of the High Hand," the forest fire, which is the most exciting part of the story, was omitted. And Universal did not take advantage of the other possibilities offered by the story. Even the melodramatic angle, that of fights between the guides and the power plant workers, was minimized:-

Irene Hervey, manager of a club for sportsmen, located on the Muskalaga River, which was a fisherman's paradise, is enraged when Kent Taylor, power plant engineer, arrives to start operations. She tries many ways, including political pull, to stop him, but in vain. Her guides, thinking they would be put out of business, try to interfere with Taylor's work; they even damage a bridge he had con-structed. Taylor is finally able to settle matters to everyone's satisfaction; he builds the plant without interfering with the fishing. Miss Hervey is happy, for not only did she retain her club, but in Taylor she had found the man she loved.

The plot was adapted from the novel by Arthur Stringer. Brown Holmes and Robert T. Shannon wrote the screen play; Milton Carruth directed it, and Edmund Grainger produced it. In the cast are William Lundigan, Ernest Cossart, Frank Jenks, and others. Suitability, Class A.

"It is, therefore, the duty which every person owes his country to so regulate his acts and deeds as to prevent any limitation of the right of another to pursue his business without pernicious or unlawful interference and thus keep open the pathways of life so that citizens may at their own selection peacefully pursue them free from the unlawful interference of others. Every individual and every corporation should have the same right to engage in interstate commerce....

"You are instructed that while any one of the defendants, either with or without cause, could lawfully have refused to sell motion picture film to the three theatres in question, that it is, nevertheless, unlawful and illegal for any two defendants, either with or without cause to conspire together to refuse to sell film to these three theatres."

The analogy between the language employed by Judge Moore and the language employed by Judge Atwell is so clear that it requires no explanation.

In the Youngclaus case, an important case in the history of distributor-exhibitor disputes, Judge Munger, in the U. S. District Court for the District of Nebraska, held that protection arrangements, made by agreement among distributors, constituted a violation of the anti-trust laws. His language seems quite familiar after one has read Judge Atwell's opinion. Judge Munger held:

"Whatever may be the right of the distributors separately and individually to license the exhibition of pictures by contracts giving to the licensees the exclusive right of exhibition for a period of time, a combination of distributors, such as exists here, controlling a large part of the trade in interstate commerce, to refrain from competition among themselves in making such licensing agreements with exhibitors, by agreeing that they will each grant a substantial period of protection to one exhibitor over a rival exhibitor in competitive territory, is an unreasonable restraint of interstate trade, and is condemned by the antitrust laws of the United States.

"The plaintiff is entitled to the right to bargain with distributors who are free from a combination among themselves not to bargain with the plaintiff unless he shall consent that his rival shall have had the first opportunity to exhibit a picture."

The distributors themselves must have realized a long time ago that, under the anti-trust laws, rulings such as were made by Judge Atwell, might well be expected. In some of the cases that were brought by the Government against the distributors, they indicated their fear that, after a trial, similar rulings might be made. For this reason, they chose the lesser evil—the much abused consent decree. Noteworthy for its consent decree is the case of the United States against Fox-West Coast Theatres and the major distributors, filed in Los Angeles; also the one that was brought by the Federal government against Balaban & Katz Corporation and the major distributors, filed in Chicago. In both these cases, the consent decrees prohibited the defendants from continuing the same kind of acts as were declared illegal in the Interstate Case.

Although the Interstate Case involved an arrangement between the distributors and affiliated circuits for the maintenance of a minimum admission price in subsequent-run houses, and for the elimination of double features in those houses, the rules of law, given by the Judge as the basis for his decision, may be applied with equal force to other trade practices, against which exhibitors have long complained. By the same process of reasoning, neither a group of distributors nor a distributor with an exhibitor should have the right to predetermine which exhibitors may procure first-run, second-run, or subsequent-run pictures; or what clearance and protection should be enforced against some exhibitors. One need but refer to a single sentence in Judge Atwell's opinion, and to paraphrase its language properly, to determine that the Interstate Case, upon its affirmance by the United States Supreme Court, may solve many of the industry evils; it reads: "The subsequent small theatre exhibitor who wanted the right to show a Class A film at 10 or 15 cents or 20 cents, has the right that right which belongs to every free man-to contract with the owner of the film, free to exercise his own judgment.'

The phrase "10 or 15 cents or 20 cents" may be supplanted by language such as "first run," or "ten days after general release," or "ten days after completion of first run."

It seems quite clear to this paper that a wide field of litigation has been opened. On the basis of the Interstate Case rulings, exhibitors may, either personally or through the Department of Justice, attack virtually every tradepractice evil which, thus far, they have been able only to denounce but not to eliminate.

Perhaps, before such litigation gets under way, before it gains enough momentum to make compromise impossible, the distributors will realize the full purport of Judge Atwell's admonition—that the anti-trust laws exist coextensively with the copyright laws, and that one may not abuse indiscriminately the privelege granted by the copyright laws without coming under the prohibitions of the anti-trust laws. Once they have come to such a realization, it is not impossible that they will agree to an honest, fair, and equitable adjustment of the present unfair trade practices.

#### THE PLAY-DATE AND PRODUCT-BUYING STRIKE AGAINST PARAMOUNT

LOS ANGELES: The exhibitors of the Los Angeles zone have brought an action against Paramount for violation of the 1936-37 season's contract. This indicates that the exhibitors of that zone intend to carry on the fight to the fullest limit.

MINNEAPOLIS: According to private information, the exhibitors of that zone are standing firm in the strike; they are not play-dating what Paramount pictures they have under contract, and are not buying the new Paramount product. More than 200 theatres are on strike. Of these, approximately 150 will never buy Paramount pictures, no matter whether the strike is settled or not.

Judge Nordbye has made a decision granting Paramount a temporary injunction against the strike in this zone. The injunction will remain in force until the hearing is held on Paramount's application to make the injunction permanent. No date of hearing has as yet been set.

The decision of Judge Nordbye will be discussed as soon as he has signed the injunction order.

PHILADELPHIA: On Thursday, October 7, Paramount's appeal from the decision of Judge Dickinson was argued in the U. S. Circuit Court of Appeals in Philadelphia. The court reserved decision.

Judge Dickinson had rendered a decision dismissing Paramount's suit for an injunction against the striking exhibitors in the Philadelphia zone.

MILWAUKEE: More than 150 exhibitors in this zone are continuing with their refusal to date Paramount pictures and to buy Paramount product. Some of the exhibitors who have suffered intensely from a shortage of pictures caused by the strike have decided to play one Paramount picture a week in single feature territories, and two a week in double feature territories. Their determination, however, to refrain from buying Paramount's 1937-38 pictures enitrely, continues as strong as ever.

NEW YORK CITY: As you all know, of the eleven pictures involved in the strike against Paramount, "High, Wide and Handsome" and "Souls at Sea" are the most important. On October 5th, at the Paramount Theatre, on Times Square, these two pictures were shown on one program, for one admission price. On the same program was also a stage show, featuring (1) The Yacht Club Boys; (2) Hudson-DeLange's Orchestra; (3) Tip, Tap and Toe, the negro dancers who appeared in the picture, "You Can't Have Everything"; and (4) Betty Allen, a singer.

Of course, Paramount called it a "preview"; to exhibitors, however, it is "double-featuring with a vengeance."

On October 12th, the Paramount Theatre ran a repeat performance of this co-called "preview" program.

When you consider that each of these pictures has had a road-show run on Broadway (even though it may have been a forced road-show) the necessity for two "previews" seems somewhat vague. Perhaps the more accurate reference to the program is a double-feature.

What a strange situation! Paramount is involved in a serious dispute with a large number of its customers, centering chiefly around two "big pictures." The law courts, rather than the exchange centers, now constitute the meeting place of Paramount and its customers. Namecalling has replaced friendly greetings. Good-will that required many years to build is being so shattered as to make repair in some spots almost impossible. And yet, while the battle rages, Paramount is peddling these pictures—the very object of the conflict—at the rate of "two for one."

Isn't it about time some Paramount executive found the courage and intelligence to step forward and put an end to all this nonsense?

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### Box-Office Performances of 1937-38 Season's Pictures – No. 1

In the issue of September 18, 1937, appeared the last of the fifth series of articles giving the box-office performances of the 1936-37 season's pictures. When that issue was published, some of the 1936-37 season's pictures either had not been released or had not played in a sufficient number of theatres to make possible an accurate report of their boxoffice performances. As a result, they were omitted from those articles.

The present series of articles, although relating to the box-office performances of the 1937-38 season's pictures, will include the check-up also of those of the 1936-37 season's pictures not reported up to the September 18 issue. They will be identified properly as belonging to the 1936-37 season, under the names of the companies releasing them.

As in the last season, more than 800 theatres are cooperating in this check-up.

#### Columbia

(1937-38 Season)

"Lost Horizon," with Ronald Colman, Jane Wyatt, Edward Everett Horton, H. B. Warner and Margo, produced and directed by Frank Capra, from a screen play by Robert Riskin, founded on James Hilton's novel: Excellent.

"It Happened in Hollywood," with Richard Dix and Fay Wray, produced by Myles Connolly and directed by Harry Lachman, from a screen play by Ethel Hill, Harvey Ferguson and Sam Fuller: Fair.

"Counsel For Crime," with Otto Kruger, Douglass Montgomery and Jacqueline Wells, produced by Wallace Mac-Donald and directed by John Brahm, from a screen play by Fred Niblo, Jr., Grace Neville, Lee Loeb and Harold Buchman: Good to Poor.

"The Game That Kills," with Charles Quigley and Rita Hayworth, produced by Harry L. Decker and directed by D. Ross Lederman, from a screen play by Grace Neville and Fred Niblo, Jr.: Fair to Poor.

#### First National

(1937-38 Season)
"That Certain Woman," with Bette Davis, Henry Fonda, Ian Hunter and Anita Louise, produced by Robert Lord and directed by Edmund Goulding, from a screen play by Edmund Goulding: Good.

"Back In Circulation," with Joan Blondell, Pat O'Brien and Margaret Lindsay, produced by Sam Bischoff and directed by Ray Enright, from a screen play by Warren Duff: Good to Fair.

"Love Is On The Air," with Ronald Reagan and June Travis, produced by Bryan Foy and directed by Nick Grinde, from a screen play by Morton Grant and George

"They Won't Forget," with Claude Rains, Gloria Dickson and Edward Norris, produced and directed by Mervyn LeRoy, from a screen play by Robert Rossen and Aben Kandel: Good.

#### Metro-Goldwyn-Mayer

(1936-37 Season)
"Broadway Melody of 1938," with Robert Taylor, Eleanor Powell, George Murphy and Buddy Ebson, produced by Jack Cummings and directed by Roy Del Ruth, from a screen play by Jack McGowan: Very good to Good.

"Bad Guy," with Bruce Cabot, Virginia Grey and Edward Norris, produced by Tom Read and directed by Edward Cahn, from a screen play by Earl Fenton and Harry Ruskin: Fair to Poor.

These two pictures end the 1936-37 season's releases, making the total number of pictures Metro has delivered 44.

They are rated as follows, according to their box-office

Excellent, 3; Excellent to Very Good, 3; Very Good, 2; Very Good to Good, 3; Good, 3; Good to Fair, 6; Good to Poor, 1; Fair, 13; Fair to Poor, 6; Poor, 4.

Expressed in round percentage terms the results are:

Excellent, 63/4%; Excellent to Very Good, 63/4%; Very Good, 4½%; Very Good to Good, 6¾%; Good, 6¾%; Good to Fair, 13½%; Good to Poor, 2½%; Fair, 30%; Fair to Poor, 13½%; Poor, 9%—total 100%.

In the 1935-36 season, 45 regular features were released, in addition to "Smilin' Through," which was a reissue; they were rated as follows:

Excellent, 6; Very Good, 4; Very Good to Good, 3; Very Good to Fair, 1; Good, 7; Good to Fair, 3; Fair, 5; Fair to Poor, 5; Poor, 11.

Expressed in round percentage terms, the results are:

Excellent, 131/3%; Very Good, 9%; Very Good to Good, 61/3%; Very Good to Fair, 21/4%; Good, 151/4%; Good to Fair, 61/2%; Fair, 11%; Fair to Poor, 11%; Poor, 241/3% -total 100%.

(1937-38 Season)

"Big City," with Spencer Tracy and Luise Rainer, produced by Norman Krasna and directed by Frank Borzage, from a screen play by Dore Schary and Hugo Butler: Good.

"The Women Men Marry," with George Murphy, Claire Dodd and Josephine Hutchinson, produced by Michael Fessier and directed by Errol Taggart, from a screen play by Harry Ruskin, Donald Henderson Clarke, and James E. Grant: Fair.

"My Dear Miss Aldrich," with Edna May Oliver, Maur-een O'Sullivan and Walter Pidgeon, directed by George B. Seitz, from a screen play by Herman J. Mankiewicz: Good to Fair.

"Madame X," with Gladys George, Warren William, and John Beal, produced by James K. McGuinness and directed by Sam Wood, from a screen play by John Meehan: Very Good to Good.

#### FROM DALLAS TO CHICAGO

For some time, the independent exhibitors of Chicago have been grumbling against what they claimed were un-fair practices of the Balaban & Katz circuit.

Since the decision of Judge William H. Atwell in the Interstate Case, recently concluded in the federal court at Dallas, these grumblings have become unmistakably loud roars of protest. Reports are current that the Allied unit in Chicago is planning to take legal action; independent groups of exhibitors are studying Judge Atwell's decision preparatory to either instituting suit themselves against Balaban & Katz and Paramount (perhaps including also the other major distributors), or petitioning the Department of Justice to do so. They may, if advisable, follow both courses of action.

For many years, the exhibitors of Chicago had found difficulty in capitalizing to even a fair degree of success upon the pictures they bought from the major distributors. About six years ago, their complaints caused the United States Government to institute suit, in the federal court at Chicago, against Balaban & Katz Corporation and other Paramount theatre-operating subsidiaries, as well as against all the major distributors. On April 6, 1932, the suit was terminated by the entry of a consent decree.

The hardships of the independent exhibitors were to some extent alleviated because, by the decree, many of the oppressive practices from which the exhibitors had suffered were declared illegal, and the Balaban & Katz circuit and the major distributors were enjoined from continuing them.

## "The Perfect Specimen" with Errol Flynn and Joan Blondell

(First National, Qct. 23; time, 96 min.)

A light romantic comedy, with plentiful laughs. Despite a simple plot, one's interest is held throughout because of the pleasant and sympathetic characters portrayed by Errol Flynn and Joan Blondell. The laughs are provoked by the compromising situations they get into; a few are somewhat sexy, but inoffensive because of the comical way in which they are handled. One of the most amusing scenes is that in which Flynn, annoyed by Allen Jenkins, a truck driver, knocks him out, thereby winning him as a friend. The romance is delightful:—

Impetuous Miss Blondell, determined to see millionaire Flynn, known as the perfect mental, moral, and physical specimen, but ruled by his tyrannical grandmother (Mae Robson), crashes through the fence of his guarded estate and makes her presence known to him. At first he dismisses her as a designing woman, but her frankness wins him over and he is soon charmed with her. She sneers at his jail-like existence and suggests that, if he should ever get the urge to see how the rest of the world lived and enjoyed itself, he should call on her and she would take him out on a spree. His interest having become aroused, he sneaks out of the house the very next morning. His disappearance causes great excitement, for his grandmother believed that he had been kidnapped. But Flynn, in the company of Miss Blondell, to whose home he had gone, feels like a new man. He has a fight with a truck driver, knocks out in a bout a professional boxer, and after a hectic time falls in love with Miss Blondell. But she runs away from him, because she felt that he would have to marry the girl his grandmother had picked out for him. Flynn had decided, however, to do otherwise. He returns to his grandmother's home, asserts himself, and insists upon marrying Miss Blondell. His grandmother is overjoyed, for she had realized that Miss Blondell was the girl for him.

Samuel H. Adams wrote the story, and Norman Reilly Raine, Lawrence Riley, Brewster Morse, and Fritz Falkenstein, the screen play; Michael Curtiz directed it, and Harry Joe Brown produced it. In the cast are Beverly Roberts, Edward Everett Horton, Hugh Herbert, Dick Foran, and others.

Suitable for all. Class A.

#### "Trapped by G-Men" with Jack Holt and Wynne Gibson

(Columbia, Oct. 27; time, 641/2 min.)

A pretty good program melodrama. Though the story presents nothing novel, one is held in suspense because of the constant danger to the hero. It has plentiful action for the fans—exciting fist fights and a smashing finish in which the G-Men round up a gang of desperate criminals. The part that shows two men in a canoe fighting the rapids in order to reach the hideout is pretty interesting. The romance is of minor importance:—

G-Man Jack Holt is given the job of rounding up a gang of desperate bank robbers. By taking the place of a criminal who had stolen \$200,000 from a bank, and who had since died, Holt lets himself be caught and taken to prison, his purpose being to get friendly with Jack LaRue, a member of the gang, who had been captured. Wynne Gibson, a Gwoman, poses as Holt's wife and visits him at the prison, where she whispers to him about plans for his escape. LaRue overhears the conversation and pleads with Holt to count him in, promising to take him to the gang hideout. Things work as planned, and Holt is taken to the hideout. By accident, one of the gangsters finds a news item referring to the death of the criminal Holt was supposed to be, but Holt tells the gang that the item was just a trick used by the police, and that if they would send for his wife she could establish his identity. Miss Gibson, after obtaining from the gangster who had been sent to get her all the information she needed, has him arrested, and then, accompanied by federal officers, goes to the hideout. After an exciting battle, the gang is captured. Holt and Miss Gibson decide to become man and wife in fact.

Bernard McConnville wrote the story, and Tom Kilpatrick, the screen play; Lewis D. Collins directed it. In the cast are C. Henry Gordon, Edward Brophy, William Pawley, Arthur Hohl, William Bakewell, and others.

Suitability, Class A.

#### "The Bride Wore Red" with Joan Crawford, Franchot Tone and Robert Young

(MGM, Oct. 8; running time, 102 min.)

Good mass entertainment. Because of the clothes Miss Crawford wears, it will appeal particularly to women. It has human interest, romance, and comedy; and, although the story is somewhat far-fetched, it holds one's attention. The photography in the outdoor shots is magnificent. The part assigned to Miss Crawford is, in the main, unsympathetic. For instance, she tries, under false pretenses, to get Robert Young, a wealthy society man, to propose to her, thereby bringing unhappiness to Young's fiancee, for whom one feels deep sympathy. Added to the unpleasantness is the fact that one knows Miss Crawford does not love Young but is in love with another man. Before the end of the picture, however, one respects her for her courage and is happy to see her get the man she loved:—

George Zucco, an eccentric millionaire, believes in the theory that all men were born equal; Young disagrees with him. Zucco decides to prove his theory by playing a trick on Young: he goes to the lowest waterfront cafe, there picks out Miss Crawford, an entertainer, supplies her with expensive clothes and plentiful money, and then sends her to the fashionable mountain resort where Young, together with his mother (Billie Burke), his fiancee (Lynne Carver), and her father (Reginald Owen), was spending a vacation. Zucco has Miss Crawford pose as a lady. She carries it off so well that in a short time Young is madly in love with her. She decides to get him to propose to her before Zucco should give her away. Everything goes as she had planned, with one exception—she falls in love with Franchot Tone, the village postmaster, whose simple and kindly manner appealed to her. She is, therefore, happy when a telegram finally arrives from Zucco exposing her. Tone refuses to let her go back to the sordid life she had known; loving her, he pleads with her to stay as his wife, which is just what she had wanted to do.

Ferenc Molnar wrote the story, and Tess Slesinger and Bradbury Foote, the screen play; Dorothy Arzner directed it, and Joseph L. Mankiewicz produced it. In the cast are Mary Phillips, Paul Porcasi, and others.

Morally suitable for all. Class A.

## "This Way Please" with Charles "Buddy" Rogers and Betty Grable

(Paramount, Oct. 15; running time, 72 min.)

This picture is saved from complete mediocrity by some wise-cracks and a few musical routines. The story, and the action for the most part, is dull, despite the efforts of the players to put life into it. Rufe Davis, in barnyard imitations, stands out; his routine is so good that it should provoke applause from the audience. A few other radio characters, such as Jim and Marian Jordan, known as Fibber McGee and Molly, are introduced, but they fail to make much of an impression. Buddy Rogers is lost in an insignificant part that lacks sympathy:—

Betty Grable, a former chorus girl, accepts a job as usherette in a movie theatre, hoping in some way to come to the attention of Rogers, a popular band leader playing at the theatre. He does notice her and, after giving her a test, is so impressed by her singing and dancing, that he goes to the owner (Porter Hall) with a request that he put her in his show. Hall not only refuses, but discharges Miss Grable; and, after an argument with Rogers, discharges him, too. On the advice of his publicity agent, Hall reengages Miss Grable in place of Rogers, giving her the big chance she had been looking for. Believing Hall's story that Miss Grable had double-crossed him, Rogers decides to teach her a lesson. He proposes, and she accepts; the plans are made for them to be married at the theatre. But his plans are otherwise—to leave her waiting. However, when he sees her about to go through the ceremony with another man, he rushes to the stage and pleads with her to forgive him and to marry him, instead; they are finally united.

Maxwell Shane and Bill Thomas wrote the story, and Grant Garret, Seena Owner, and Howard J. Green, the screen play; Robert Florey directed it, and Mel Shauer produced it. In the cast are Mary Livingstone, Ned Sparks, Lee Bowman, and others.

#### "Breakfast for Two" with Barbara Stanwyck, Herbert Marshall and Glenda Farrell

(RKO, Oct. 22 [1936-37]; time, 66 min.)

A mild comedy. The story is silly; likewise are the actions of the leading characters. A few spots are comical; but for the most part the action is inane, tiring one to the point of boredom. There is nothing unusual about the plot or its development; and, despite the efforts of Miss Stanwyck and Marshall, the whole thing falls flat.

The story tells of the efforts of Miss Stanwyck, a Texas heiress, to bring Marshall around to serious thinking. Despite his bad habits—drinking and spending money recklessly—she had fallen in love with him, and decides that he was the man for her. The first thing she does is to buy up the controlling interest in the steamship company he had neglected; he is furious at the turn of events, and swears to break her. She then buys his home and ousts him from there. He soon realizes what her intentions were and, to spite her, arranges to marry Glenda Farrell, a scatter-brained actress. Miss Stanwyck, by a ruse, thwarts his attempts to do so. The steamship company finally goes into bankruptcy; Marshall, ashamed of his past actions, pleads with the directors to give him a chance by appointing him Receiver. They decide to do this. And in the end he proposes marriage to Miss Stanwyck.

David Garth wrote the story, and Charles Kaufman, the screen play; Al Santell directed it, and Edward Kaufman produced it. In the cast are Eric Blore, Donald Meek, and others.

Suitable for all. Class A.

### "Heidi" with Shirley Temple, Jean Hersholt and Arthur Treacher

(20th Century-Fox, Oct. 15; time, 871/2 min.)

A charming picture; one that will delight particularly youngsters. It is filled with human appeal; at times the action provokes tears, and at other times laughter. The settings are extremely lavish, and enhanced by expert sepia-tinted photography. Shirley, in the fetching old-fashioned costumes, is a delight to behold; she is completely at ease and believable in the part of the orphan Heidi, who suffers at the hands of two heartless women, unconcerned with her happiness. The closing scenes hold the spectator in tense suspense, ending in a manner certain to please all. The background is Germany, in the old days:—

When orphaned Shirley is brought by her cruel aunt (Mady Christians), who had found a city position and did not want the child with her, to her grandfather (Jean Hersholt), who lived in the mountains, Hersholt at first refuses even to talk to the child. Embittered when his son had tuses even to talk to the child. Embittered when his son had married Shirley's mother, he had forsaken friends and religion. Under Shirley's influence, he soon becomes a changed man. One day, while Hersholt was in the nountains chopping wood, Miss Christians returns and takes unwilling Shirley to Frankfort to the home of wealthy Sidney Blackmer, whose invalid daughter (Marcia Mae Jones) had wanted a playmate. Shirley begs to be taken back to her grandfather but Marcia, who leved her at fast back to her grandfather, but Marcia, who loved her at first sight, pleads with her to remain until Blackmer should return from Paris. Marcia's governess (Mary Nash), who was scheming to get Blackmer to marry her by keeping Marcia an invalid, hates Shirley and tries to get rid of her because of her healthful influence on Marcia. In the meantime, Hersholt sets out on foot for Frankfort, in search of his beloved grandchild. When Blackmer returns, he is overjoyed at the change in Marcia; and when she shows him how she could walk, a feat unknown to Miss Nash, he embraces Shirley and pleads with her to remain with him as a daughter. Hersholt, who had arrived at Frankfort, is arrested as a suspicious character, but escapes from jail in time to save Shirley from the enraged Miss Nash, who had sneaked Shirley out of the house and was trying to sell her to the gypsies. Shirley goes back to the mountains with her grandfather, where she is joined by Marcia, who had fully recovered, by Blackmer, and by Arthur Treacher, Blackmer's butler.

The plot was adapted from the story by Johanna Spyri; Walter Ferris and Julien Josephson wrote the screen play, Allan Dwan directed it, and Raymond Griffith produced it. In the cast are Helen Westley, Pauline Moore, Thomas Beck, and others.

Class A.

#### "The Wrong Road" with Richard Cromwell, Helen Mack and Lionel Atwill

(Republic, Oct. 11; time, 61 min.)

Though well acted, it is unpleasant! If it were meant as a preachment, it doesn't serve its purpose, for the reason that the producer tries throughout to condone the actions of the hero and the heroine in stealing \$100,000 from a bank. The spectator cannot sympathize with characters who resort to such means for their future; nor are such actions edifying for young persons. It is not until the very last minute that they decide that crime does not pay and give up the money, which they had hidden. By that time, one cannot change the opinion one had formed about these two persons. It is, therefore, weak not only as a preachment, but also as entertainment, for the theme is sombre, with very little comedy relief:—

Richard Cromwell and Helen Mack, who had been accustomed to good things in life until their respective fathers had lost their fortunes, feel that they had been cheated because they did not earn enough to get married. They decide to take \$100,000 from the bank where Cromwell was employed as teller. After carrying out their plans, they hide the money in an old music box and send it to Miss Mack's uncle, an antique dealer. The theft is naturally discovered and they are arrested. Lionel Atwill, head of the insurance company, tries to reason with them, by telling them that they were ruining their lives uselessly. But they are adamant, for they had made up their minds to serve their terms, and, upon release, to live on the stolen money. After two years, Atwill gets them out on parole, hoping they would lead him to the money. And to add to their troubles, they are followed by Cromwell's former cellmate (Horace MacMahon), a tough gangster, who was determined to get the money for himself. They start a wild chase in search of the music box, which had been sold with the other effects of her uncle, who had died. They eventually find it in a farmhouse, to which place they had been followed by Mac-Mahon and Atwill. Miss Mack, by this time, wanted no part of the money; instead, she wanted to marry and lead a decent life. After a hectic chase, Atwill comes to the place where Cromwell had overpowered MacMahon. Cromwell turns over the money. Atwill promises the young couple leniency.

Gordon Rigby wrote the story, and he and Eric Taylor, the screen play; James Cruze directed it, and Colbert Clark produced it. In the cast are Russ Powell, Billy Bevan, Marjorie Main, and others.

Unsuitable for children or adolescents. Class B.

#### "Over the Goal" with June Travis and William Hopper

(First National, Oct. 16; time, 62 min.)

Just an ordinary program football melodrama. There is nothing unusual in the story or in the treatment; one knows in the first ten minutes just what is going to happen and how it will end. And the spectator is not disappointed, for it ends in the usual trite manner, with the hero winning the football game in the last five minutes to play. A few musical numbers have been interpolated, but they don't help matters much. Even the romance is routine:—

When William Hopper suffers a bad leg injury during one of his college football games, the doctor advises him not to play again, for if he were to receive another injury to his leg he might remain crippled for life. At first, Hopper refuses to listen to reason, but when his sweetheart (June Travis) pleads with him, he promises to give up football, much to the disappointment of the college students, who were relying on him to win the most important game of the year. If it won this game, the college would receive the entire estate of a deceased alumnus. Gangsters enter into the proceedings to see that Hopper did not play; they were working on orders from Herbert Rawlinson, a crooked lawyer, who stood to benefit if the college lost the game. But Hopper manages to escape and to enter the game in the last five minutes. He wins the game, much to the joy of all his friends. Miss Travis, who had given him her permission to play, expresses her joy.

William Jacobs wrote the story, and he and Anthony Coldeway, the screen play; Noel Smith directed it and Bryan Foy produced it. In the cast are Willard Parker, Johnny Davis, William Harrigan, Gordon Oliver, and others.

### A Study of the 1937-38 Season's Contracts - Article No. 10

#### **Grand National**

SCHEDULE:

The schedule contains blank spaces for the insertion of the rental terms, the playing arrangement, and either the titles or descriptions of the pictures.

Blank spaces are provided for the insertion of a fixed number of pictures the contract holder must either play or pay for each month.

#### ADDITIONAL CLAUSES:

- 1. Blank spaces are provided for the insertion of percentage terms, with a minimum guarantee, on which a given number of pictures shall be played, in place of the terms written into the schedule.
- 2. The distributor reserves the right to interchange the rental terms of any picture with the rental terms of any other picture; it may interchange also the theatres at which such pictures shall be played, if two or more theatres are mentioned in the contract. This right may be exercised at any time before the contract holder has actually exhibited the picture affected.
- 3. Blank spaces are provided for the insertion of the admission prices the contract holder is to charge. Should he reduce these prices, he becomes subject to the same penalties as those discussed in the study of the RKO contract (first column, first page, September 11 issue).
- 4. The distributor may either refuse to deliver a film until the contract holder has paid all indebtedness incurred under either this or any other agreement, or may attach to it a C.O.D. charge for such indebtedness.
- 7. This clause is a "joker" relating to pictures the distributor may fail to release during the contract year. Its provisions and effect are discussed under Clause Seventeenth. You should read carefully what is said there.
- 8. Blank spaces are provided for the insertion of the number of pictures offered and the number licensed. (In this connection, read carefully what was said in the August 28 issue, in the study of the MGM contract, clause Twenty-Eighth.)

#### MAIN CONTRACT:

SECOND CLAUSE (a) and (b): This clause fixes the terms of the contract and sets forth the remedies for its breach. It is the same as the Second Clause ("a" and "b") of the Universal contract, discussed in the October 2 issue.

THIRD (a): Payment of the fixed rental for each picture must be made at least 3 days before delivery of the print.

TENTH: This clause provides for the manner in which the application may become a contract. It is the same as clause Ninth of the Paramount contract, discussed in the September 4 issue.

ELEVENTH: The salesmen's promises are not binding unless they are written into the contract; and no modification whatever of the contract by oral understanding is valid

TWELFTH: This clause relates to the assignability of the contract. (Read what was said about a similar provision in the interpretation of clause Nineteenth of the MGM contract, in the August 28 issue.)

FOURTEENTH: If either party to the contract is unable to perform with respect to some of the licensed pictures, for causes beyond its direct control, and so notifies the other party, in writing, the contract is deemed terminated as to those pictures.

FIFTEENTH: (Cancellation Clause): Although Grand National is relatively a new company, its 10% cancellation clause dates back to the days before the nullification of the NRA and its Codes of Fair Competition. Grand National probably knows that the NRA has been invalidated, but apparently no one has told the executives of this company that the major distributors have since then adopted a simple, understandable and effective cancellation clause. And so, in following the form of the Warner Bros.-First National contract, Grand National took from it also its antiquated, clumsy and beclouded cancellation provision—the only provision of its kind in any major-company contract for the 1937-38 season. (Read what was said about this provision in the study of clause Fifteenth of the Warner-First National contract, in the October 9 issue.)

SEVENTEENTH: This clause provides that the distributor may exclude from the contract any of the licensed pictures not released generally during the year ending August 31,

1938. To do so, it must send a written notice to the contract holder on or before August 16, 1938. But if the contract holder should then send the distributor a written notice, not later than September 30, 1938, demanding delivery of all the pictures not released generally, the distributor must deliver them during the year beginning September 1, 1938 and ending August 31, 1939, if they should be released generally during that year. If they should not be released during that year, they are excluded from the contract.

Now getting back to the "joker" contained in Paragraph 7 of the Additional Clauses: It provides that, if by August 16, 1938, Grand National has not given notice of its intention to exclude the pictures it has failed to release, the contract holder must play those pictures nevertheless, should they be released during the year between September 1, 1938 and August 31, 1939. The distributor is not obligated, however, to release them during that year. In other words, by merely withholding this notice of intention to exclude, the distributor maintains, for two years, an option to use the screen of the contract holder for such pictures as it may decide to release during that time; and the contract holder remains without redress if, during the two years, the distributor should fail to release even a single picture.

Quite an ingenious device! Grand National seems to have out-majored the major distributors.

TWENTY-FIRST: This clause deals with the road-showing of some of the pictures. But it is meaningless since the distributor may do whatever it pleases with any picture until such picture is released generally in the exchange territory out of which the contract holder is served.

TWENTY-FIFTH: This clause provides for optional arbitration under the contract. (Read what was said about a similar provision in the interpretation of clause Twentieth of the MGM contract, in the August 28 issue.)

#### FROM DALLAS TO CHICAGO

(Continued from front page)

They soon found ways and means of accomplishing their purposes, however, without causing a direct violation of the consent decree. Immediately, independent exhibitors faced new difficulties, which gradually became more burdensome until Balaban & Katz decided upon a double-feature policy. Then the condition of the independent exhibitors became almost unbearable.

They report that Balaban & Katz show the major-company releases for two or three weeks, first run; then they show them at some of their other houses for a week or two; later, they put them into still other of their theatres; and so for several weeks (sometimes months) the pictures are exploited by the affiliated circuit, on double-feature programs, until there is little or no value left in them. Only then are they ready for delivery to the unaffiliated houses.

Each picture has virtually two releases—one release for the Balaban & Katz circuit, which corresponds, in point of time, with the ordinary general-release date; and a second release for the independent exhibitors, which corresponds, in point of time, with the date the picture is ready for the morgue.

And so the independent exhibitors are planning to take action. They believe that their cause is better than was the cause of the exhibitors who sponsored the government's move against the defendants in the Interstate Case. They believe that the facts in Chicago warrant action even more than did the facts in Dallas. And they believe that an element in their favor, entirely absent in Dallas, is the consent decree entered in 1932, which, they claim, the distributors and the Paramount affiliates are violating.

This decree enjoined the defendants from contriving to have the affiliated exhibitors obtain the exclusive first choice of pictures; it decreed against excluding the independent exhibitors from the right to bargain for and to obtain first run pictures; it declared illegal the granting to affiliated theatres of "arbitrary or unreasonable protection or clearance over competing theatres owned, operated or controlled by unaffiliated exhibitors."

The Chicago consent decree becomes the more significant in view of Judge Atwell's statement to the lawyers in the Dallas case that "the substance of the decree is 'they mustn't do it again'".

If Paramount and its affiliates should comprehend fully the purport of this admonition, they might realize that the time has come to discontinue, voluntarily, those practices which they themselves must know are unfair, oppressive, and possibly subject to judicial censure. Entered as second-class matter January 4, 1921, at the post office at New York, New York, under the act of March 3, 1879.

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### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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No. 44

### Box-Office Performances of 1937-38 Season's Pictures – No. 2

#### Paramount

"Blonde Trouble," with Floron with Eleanore Whitney and Johnny Downs, directed by George Archainbaud, from a screen play by Lillie Hayward: Fair.

"Artists and Models," with Jack Benny, Ida Lupino, Richard Arlen and Gail Patrick, produced by Lewis E. Gensler and directed by Raoul Walsh, from a screen play by Walter DeLeon and Francis Martin: Very Good to Good.

"She's No Lady," with Ann Dvorak and John Trent, produced by B. P. Schulberg and directed by Charles Vidor, from a screen play by George Bruce and Frank Partos: Fair.

"On Such a Night," with Karen Morley, Eduardo Ciannelli and Grant Richards, produced by Emanuel Cohen and directed by E. A. Dupont, from a screen play by Doris Malloy and William Lipman: Fair to Poor.

"Souls at Sea," with Gary Cooper, George Raft, Olympe Bradna, Frances Dee, Henry Wilcoxon and Harry Carey, directed by Henry Hathaway, from a screen play by Grover Jones and Dale Van Emery: Very Good.

"Hopalong Cassidy Rides Again," with William Boyd, George Hayes, and Lois Wilde, produced by Harry Sherman, and directed by Mr. Selander: Fair.

"Sophie Lang Goes West," with Gertrude Michael and Lee Bowman, directed by Charles Riesner, from a screen play by Doris Anderson, Brian Marlow, and Robert Wyler: Fair to Poor.

"Double or Nothing," with Bing Crosby, Martha Raye, and Mary Carlisle, produced by Benjamin Glazer and directed by Theodore Reed, from a screen play by Charles Lederer, Erwin Gelsey, John C. Moffitt and Duke Atteberry: Good.

#### RKO

(1936-37 Season)

"Flight from Glory," with Chester Morris and Whitney Bourne, produced by Robert F. Sisk and directed by David Silverstein, from a screen play by Mr. Silverstein: Fair.

"Make a Wish," with Bobby Breen, Basil Rathbone and Marion Claire, produced by Sol Lesser and directed by Kurt Neumann, from a screen play by Gertrude Berg: Good to Fair.

Including these two pictures, the number reported since the beginning of the season is 43, rated as follows:

Very Good to Good, 2; Good, 3; Good to Fair, 10; Fair, 12; Fair to Poor, 12; Poor, 4.

Expressing the number of pictures of the different ratings in round percentage terms, we get the following results:

Very Good to Good, 4½%; Good, 7%; Good to Fair, 23½%; Fair, 28%; Fair to Poor, 28%; Poor, 9¼% total 100%.

The first 43 releases of the 1935-36 season were rated as follows:

Excellent, 3; Excellent to Very Good, 1; Good, 5; Good to Fair, 2; Fair, 11; Fair to Poor, 7; Poor, 14.

Expressing the different groups in round percentage figures, we get the following results:

Excellent, 7%; Excellent to Very Good, 2½%; Good, 11½%; Good to Fair, 4½%; Fair, 25½%; Fair to Poor, 16½%; Poor, 32½%—total 100%.

(1937-38 Season)

"The Life of the Party," with Joe Penner, Gene Raymond, Harriet Hilliard and Victor Moore, produced by Edward Kanfman and directed by William A. Seiter, from

a screen play by Bert Kalmar, Harry Ruby and Viola Brothers Shore: Fair.

"Annapolis Salute," with Harry Carey, James Ellison and Marsha Hunt, produced by Robert Sisk and directed by Christy Cabanne, from a screen play by John Twist: Fair to Poor.

#### Twentieth Century-Fox

(1937-38 Season)

"You Can't Have Everything," with Alice Faye, Don Ameche and the Ritz Brothers, produced by Laurence Schwab and directed by Norman Taurog, from a screen play by Harry Tugend, Jack Yellen and Karl Tumberg: Excellent to Very Good.

"One Mile from Heaven," with Claire Trevor and Sally Blane, produced by Sol M. Wurtzel and directed by Alan Dwan, from a screen play by Alfred Golden, Lou Breslow and John Patrick: Fair.

"Love Under Fire," with Loretta Young and Don Ameche, produced by Nunnally Johnson and directed by George Marshall, from a screen play by Gene Fowler, Allen Rivkin, and Ernest Pascal: Good to Fair.

"Think Fast Mr. Moto," with Peter Lorre, Virginia Field and Thomas Beck, produced by Sol M. Wurtzel and directed by Norman Foster, from a screen play by Howard Ellis Smith and Norman Foster: Fair.

"Thin Ice," with Sonja Henie and Tyrone Power, produced by Raymond Griffith and directed by Sidney Lanfield, from a screen play by Boris Ingster and Milton Sperling: Excellent.

"Wild and Woolly," with Jane Withers and Walter Brennan, produced by John Stone and directed by Alfred Werker, from a screen play by Lynn Root and Frank Fenton: Good to Fair.

"Borneo," travelogue by Martin and Osa Johnson, produced by Truman Talley, with Lowell Thomas as the commentator: Fair to Poor.

"Wife, Doctor and Nurse," with Warner Baxter, Loretta Young and Virginia Bruce, produced by Raymond Griffith and directed by Walter Lang, from a screen play by Kathryn Scola, Darrell Ware, and Lamar Trotti: Very Good to Good.

#### THE STRIKE AGAINST PARAMOUNT ABOUT TO BE SETTLED

With the strike against Paramount continuing in the different territories at full force, there appears in Philadelphia, the first zone to organize the strike, a possibility of settling the entire controversy.

In Los Angeles and in Indianapolis exhibitors have instituted suits against Paramount for damages and to compel delivery of the pictures involved in the strike. In Minneapolis the exhibitor leaders announced that "they had just begun to fight." And this announcement reflects the exhibitors' attitude in the other zones.

In Philadelphia, the official bulletin of the U.M.P.T.O. organization carried a front page editorial, pointing out the blunders made by Paramount in its war on its customers. With the preface that "no sane exhibitor wants to see Paramount harmed or the quality or quantity of the Paramount releases depreciated," the editorial suggested that, since the Paramount officials had indicated their willingness to meet with individual exhibitors to discuss their grievances, a meeting be held with a committee consisting of one exhibitor representative from each of the zones affected by the strike.

The suggestion being in line with the announced inten-(Continued on last page)

#### "Here's Flash Casey" with Eric Linden and Boots Mallory

(Grand National, Sept. 10; time, 57 min.)

A mildly entertaining melodrama, suitable mostly as a second feature in neighborhood theatres. It should find favor with undiscriminating audiences who do not resent far-fetched plots so long as the action is fast. And it is, on occasion, fairly exciting, particularly in the closing scenes. The love interest is pleasant:—

Linden obtains a position on a newspaper as assistant to the chief photographer. Although Linden does most of the work, he gets no credit for it. Boots Mallory, society editor, with whom Linden had fallen in love, asks him to do her a favor by taking pictures in his spare time for use by Howard Lang, editor of a special news feature connected with the paper. When Linden's chief learns what he had done, he discharges him; but this does not bother Linden for he preferred working for Lang, who had offered him a position. Linden accidentally becomes involved with a gang of blackmailers, who were stealing the pictures he had taken of society folk. Eventually Linden is successful in uncovering the gang; by chance, he had snapped a picture of the gang leader just as he was firing his gun at the newspaper editor who had refused to be blackmailed. The gangsters kidnap Miss Mallory; through a ruse, Linden and his pal gain admission to the hideout; they save Miss Mallory and overpower the gangsters. Miss Mallory accepts Linden's marriage proposal.

George H. Coxe wrote the story, and John Krafft, the screen play; Lynn Shores directed it, and Max and Arthur Alexander produced it. In the cast are Cully Richards, Holmes Herbert, Joseph Crehan, and others.

The attempts at blackmail make it unsuitable for children; harmless for adults. Class B.

## "Double Wedding" with William Powell and Myrna Loy

(MGM, Oct. 15; time, 86 min.)

The William Powell-Myrna Loy combination is enough to insure good box-office results. But "Double Wedding" is not the type of entertainment the followers of these stars are accustomed to see them in, for, instead of being a suave and sophisticated comedy, it is a slapstick, becoming pretty silly at times. This is so particularly in the closing scenes, which are stretched to the point of ridiculousness in order to provoke laughs. Nevertheless, Powell and Miss Loy, by their excellent performances, are able to make the characters they depict both likeable and believable. Their romance is developed with many laughs:—

Mish Loy, an efficient business woman, rules her sister (Florence Rice) and her sister's fiance (John Beal); they are too timid to rebel against her. Things change when Powell, a roaming artist and self-styled motion picture director, takes things into his hands. He eggs the young couple on to rebel, and even suggests that Miss Rice become an actress, something she had long wished for. But Miss Loy steps in at this point, and denounces Powell. Her independence intrigues him and, since he had fallen in love with her at first sight, he decides to tame her. Although she hates everything Powell stood for, Miss Loy cannot resist him, and she falls in love with him; but she would not admit it. In the meantime, Miss Rice, imagining herself to be in love with Powell, breaks her engagement to Beal and plans to marry Powell. Powell's idea was to get Miss Loy to the ceremony and then declare his love for her and marry her instead of Miss Rice. He fixes this by urging Beal to enter and take Miss Rice away. For a time things look serious; Beal, having taken too many drinks, does not appear, and Miss Loy insists that Powell proceed with the marriage to her sister. But Beal enters in time, and takes Miss Rice away, which pleases her. It is then that Powell and Miss Loy declare their love for each other; this they do in the presence of hundreds of people who had gathered to see the ceremony which was taking place in Powell's trailer, where he lived.

Ferenc Molnar wrote the story, and Jo Swerling, the screen play; Richard Thorpe directed it, and Joseph L. Mankiewicz produced it. In the cast are Jessie Ralph, Edgar Kennedy, Sidney Toler, and others.

Suitable for all. Class A.

#### "The Awful Truth" with Irene Dunne, Cary Grant and Ralph Bellamy

(Columbia, Oct. 21; time 91 min.)

Excellent! Gay, sophisticated, and romantic, this is the type of entertainment that should appeal both to the masses and to class audiences. Since the story itself is thin and offers nothing new, credit must be given to all who had a hand in the making of the picture. Laughter is provoked so often, both by the dialogue and by the action, that one forgets all about a plot. It is, however, strictly adult fare, for it is pretty suggestive in spots, particularly in the closing bedroom scenes, where the hero and the heroine become reconciled. As far as adults are concerned, it is doubtful if they will consider it objectionable, since it is all handled from a comedy angle. Irene Dunne and Cary Grant are perfect in the comedy parts; although they are called upon at times to indulge in slapstick, they do not seem ridiculous, for they act with just the proper amount of restraint and remain real persons for whom the spectator has sympathy.

In the development of the plot, Miss Dunne and Grant decide upon a divorce, even though they still loved each other; the reason for this was Grant's jealousy-he believed that Miss Dunne had been having an affair with her music teacher (Alexander D'Arcy). Miss Dunne becomes acquainted with Ralph Bellamy, a millionaire oil man from Oklahoma, and, although he was not the sophisticated type, she decides to marry him. But Grant does not give her much of a chance to forget him, for he is a constant visitor at her apartment, on the pretext of wanting to see their dog. Miss Dunne finally decides not to marry Bellamy, but to become reconciled with Grant. She calls D'Arcy to her apartment for the purpose of asking him to try to convince Grant that she had always acted above reproach. But when Grant arrives and finds D'Arcy there, he misunderstands again. He stops calling on Miss Dunne, and becomes engaged to Molly Lamont, an heiress. On the day that the divorce was to become final, Miss Dunne calls on Grant and embarrasses him by talking to his fiancee over the telephone. She embarrasses him further by appearing at his fiancee's home, dressed in vulgar fashion, and pretending to be his sister. Grant finally leaves with her; through a ruse she gets him to take her to her aunt's cabin in the mountains, where they are reconciled.

The plot was adapted from the play by Arthur Richman; Vina Delmar wrote the screen play, Leo McCarey directed it, and Everett Riskin produced it. In the cast are Cecil Cunningham, Esther Dale, Joyce Compton, and others.

Unsuitable for children or adolescents. Class B.

#### "Doctor Syn" with George Arliss

(Gaumont-British, September; time, 771/2 min.)

This English production is hardly suitable for American audiences, for more than one reason: first, the accents are so thick that at times one cannot understand what the characters are saying; secondly, the story is so far-fetched and involved that at times it is difficult to follow the action. In all, it is below the level of entertainment one expects of a George Arliss picture; he does not appear in it much, nor is the part assigned to him a sympathetic one. A slight romance is brought into the plot, but it is meaningless. The action takes place in the year 1800 at an English seaside town:—

Government soldiers arrive at the seaside town to investigate liquor smuggling; but they find themselves up against a clever ring of smugglers. At the head of this ring is Arliss, the village parson, who, it develops, had at one time been a notorious pirate; no one knew of his past, for every one believed the pirate to be dead. Arliss' purpose in carrying on the smuggling was to help his parishioners, who, when he had first come to their town, had been poverty stricken. The Captain finally discovers who Arliss was and, in the presence of the villagers, denounces him. They stand by their parson, and help him to escape. Before leaving, Arliss performs the marriage ceremony of the village barmaid, who, unknown to all, was really his daughter, and the son of the richest man in town. Then, in company with the other smugglers, he sets sail for a new port.

Russell Thorndyke wrote the story, and Roger Buford, the screen play; Roy William Neill directed it. In the cast are Margaret Lockwood, John Loder, Roy Emerton, and others.

Two murders make it unsuitable for children. Class B.

"Ali Baba Goes to Town" with Eddie Cantor, Tony Martin and June Lang

(20th Century-Fox, Oct. 29; running time, 82 min.) The lavish production and Eddie Cantor's box-office drawing power are the chief assets of this satirical comedy, which pokes fun at the New Deal Administration. For a Cantor comedy, it is surprisingly flat; there are very few situations funny enough to provoke hearty laughter. As a matter of tact, it is, on the whole, dull, the real entertainment value lying in the musical interludes, which pep up the action. Cantor works hard and tries his best to enliven the satuations in which he appears; but he is handicapped by the poor material. It should do well at the box office,

however, despite its defects:-

In the development of the plot, Cantor, a movie-struck hobo, is thrown off a freight train on which he had been traveiling to Hollywood. To his joy he finds himself on a studio location set, where a picture was being made. He makes a nuisance of himself by interfering in the action, and gets hurt; a studio official realizes that the best thing to do was to give Cantor a job as an extra. Cantor is delighted. The part, which was one of the forty thieves in the story of "Ali Baba and the 40 Thieves," required him to hide in a large jug. Having taken an overdose of pills the nurse had given him when he was hurt, he falls asleep and dreams that he was in Bagdad. He becomes acquainted with the ruler (Roland Young), who is delighted with him. When Cantor notices that Young was having trouble with his subjects, he suggests that he adopt the New Deal methods used in the United States. Young puts Cantor in charge of carrying out the plans. In a short time there are taxes, elections, and relief projects. But the people like Cantor so much that they decide to elect him President instead of Young. But this was not what Cantor wanted for he was loyal to Young. He proves his loyalty by routing Douglas Dumbrille and his army, who were trying to enter the city and take it over. He does this by flying over the city on a magic carpet; but the carpet had caught on fire and he falls to earth. Just then he is awakened by the director, who was shouting at him for not having jumped when he called him.

Gene Towne, Graham Baker and Gene Fowler wrote the story, and Harry Tugend and Jack Yellen, the screen play; David Butler directed it and Lawrence Schwab produced it. In the cast are Louise Hovick, John Carradine, Virginia Field, Alan Dinehart, and others.

Suitable for all. Class A.

#### "The Great Garrick" with Brian Aherne and Olivia De Havilland

(Warner Bros., Oct. 30; time, 881/2 min.)

This costume comedy is good entertainment for class audiences, for it has witty dialogue and subtle comedy bits; but it is hardly suitable for the masses. Atcually it is Brian Aherne's superb performance in the part of David Garrick that gives the picture distinction, for the story itself is hardly interesting enough to hold one's attention. The reason for its lack of mass appeal is the fact that it is comprised mostly of talk instead of action; also the fact that it is a period story. There are a few situations that are extremely comical; but, in the main, ordinary picture-goers may consider the whole thing somewhat silly. The romance

is charming:

The members of the famous Comedie Francaise stock company decide to teach David Garrick (Brian Aherne), the renowned English actor, a lesson for having insulted them in a speech he had made in which he boasted that he would show them how to act. Knowing that he was on his way to Paris to join their company, and that he would have to stop at a certain inn for one night, they take over the inn; their plans were to pose as workers and as guests at the inn, and thus deceive Garrick and eventually humiliate him. But he, having been warned in advance by the stock company's prompter, who idolized Garrick, of some impending trick, immediately sees through the hoax. Instead of being humiliated, Garrick turns the tables on the actors and makes them look foolish; they bow to his genius and plead with him to forgive them. To his discomfort, Garrick finds that, having mistaken Olivia de Havilland, a young noblewoman who had come to the inn, for one of the players, he had insulted her along with the others. When she hears the facts, however, she forgives him. On the opening night of his new play, he confesses his love to her from the stage and in the presence of the spectators.

Ernst Vajda wrote the original screen play, James Whale directed it, and Mervyn LeRoy produced it. In the cast are Edward Everett Horton, Melville Cooper, Lionel Atwill, Luis Alberni, Marie Wilson, and others.

Morally suitable for all. Class A.

#### "Alcatraz Island" with John Litel and Ann Sheridan

(First Nat'l, Nov. 6; time, 631/2 min.)

A fairly good program prison melodrama; the title offers unusual exploitation possibilities. There is nothing novel either to the story or in the way it has been developed; nevertheless, it holds one in fair suspense, particularly in the closing scenes where the hero's life is endangered. In spite of the fact that the hero is a racketeer, one is in sympathy with him because he is not shown stooping to low tricks or injuring any one. Human appeal is aroused by the devotion between the hero and his daughter. There are two

romances, each one mildly pleasant:

Although in the racketeering business, John Litel had never stooped to murder. When one of his henchmen (Ben Weldon) asks him to help his brother, who was wanted for murder, Litel refuses; Weldon swears to get even. Litel receives a call from the fashionable school where his daughter (Mary Maguire) was boarding, asking him to take her away; they felt that the publicity he had been receiving in government investigations was not good for the school. Miss Maguire is happy to be with her father again; she looks forward to a trip to Europe with him. On the day they were to sail, Litel is arrested by federal agents for income tax evasion. He is tried and sentenced to five years imprisonment in Leavenworth. Weldon is brought to the same prison on a charge of having attempted to kidnap Miss Maguire. He eggs Litel on to fight with him. The warden, deeming Litel incorrigible, sends him to Alcatraz Island. Weldon contrives to be sent there, and once again makes life hard for Litel. When Weldon is found stabbed, Litel is naturally accused. Miss Maguire, assisted by Gordon Oliver, a young District Attorney in love with her, and by Ann Sheridan, Litel's fiancee, works for her father's release. Dick Purcell, a government operative, posing as a prisoner, forces a confession from Vladimir Sokoloff that he had killed Weldon because of a grudge. Litel is freed from the charge of murder.

Crane Wilbur wrote the original screen play, William McGann directed it, and Bryan Foy produced it. Addison

Richards and others are in the cast. Unsuitable for children. Class B.

#### "Stand-In" with Leslie Howard and Joan Blondell

(United Artists, Oct. 8; time, 89 min.)
This is fair entertainment; it rises above program level because of the box-office draw of the stars. The plot has been changed from a murder melodrama to a comedy; but even this does not help matters much, because the story is weak. It may go over with those who are still interested in seeing how pictures are made, for it gives an inside view of studio work. Although most of it is presented from a comedy angle, it is not a flattering picture of Hollywood and of the people there; in other words, they joke at their own expense. The part assigned to Leslie Howard is somewhat of a "sappy" one; but, because of his good acting, one is in sympathy with him. Joan Blondell gives her usual good breezy performance; she provokes laughs by the way

she gets Howard to pay attention to her: Howard, a mathematical genius, and representative of a New York bank, arrives in Hollywood to find out what was wrong with the studio his bank had been financing, and which they thought of selling even at a loss. His practical nature is shocked at the extravagances and temperamental outbursts of the persons employed in making pictures for his bank's studio. He gets his best help from Joan Blondell, an extra, who tells him the truth about what was going on. He is unaware of the fact that she loved him. Just as Howard arrives at a point where he believed he could save the studio and protect the interests of the stockholders, he learns that his bank had agreed to sell the studio, for half its value, to a conniving Hollywood millionaire. Howard appeals to the studio workers, who thought he was responsible for the sale, not to desert their posts. He suggests that they throw the new owner off the lot, close the gates, and finish the picture which would put them back on their feet again. The workers cooperate whole-heartedly. The happiest person is Humphrey Bogart, the production manager, whose future was insured by this act. Howard, relaxing for a few moments, remembers to propose to Miss Blondell, who happily accepts him.

Clarence Budington Kelland wrote the story, and Gene Towne and Graham Baker, the screen play; Tay Garnett directed it, and Walter Wanger produced it. In the cast are Alan Mowbray, Marla Shelton, C. Henry Gordon, and

others.

## A Study of the 1937-38 Season's Contracts - Article No. 11

#### Republic

SCHEDULE:

Blank spaces are provided for the insertion of (1) the descriptions of the pictures licensed, (2) the number of days each picture is to run, (3) the guaranteed license fee for each picture, and (4) the percentage terms.

Blank spaces are provided for the insertion of a fixed number of pictures the distributor may designate for preferred playing time, and for a longer run than is specified in the schedule.

Blank spaces are reserved for the insertion of the number of pictures offered and the number licensed. (In this connection read what was said in the August 28 issue, in the study of the MGM contract, clause Twenty-Eighth.)

Blank spaces are provided for the insertion of the admission prices the contract holder is to charge. Should he reduce these prices, he becomes subject to the same penalties as those discussed in the study of the RKO contract, (first column, first page, September 11 issue).

Blank spaces are provided for the insertion of a fixed number of pictures the contract holder must play and/or pay for either each week or each month, in the order of release

#### ADDITIONAL CLAUSES:

- 1. The distributor has the right to designate the classification of each picture at or before the time it gives notice of the picture's availability.
- 2. The distributor reserves the right to interchange the rental terms of any picture with the rental terms of any other picture. If the contract holder should, under the 10% cancellation clause, cancel a picture from the high rental groups, the distributor has the right to put any other picture in its place, on the terms of the picture cancelled. Thus the contract holder may cancel pictures only out of the lowest rental groups.

This right of re-allocation may be exercised by the distributor at any time before the contract holder has actually exhibited the picture affected.

- 3. This clause refers to those contract holders who have bought fewer than the total number of pictures offered, but since the number of such contract holders is small, the provisions of this clause are not given here. Those affected by the clause, however, should immediately read it with great care.
- 4. The distributor may either refuse to deliver a film until the contract holder has paid all indebtedness incurred under either this or any other agreement, or may attach to it a C.O.D. charge for such indebtedness.
- 8. This clause is a "joker" relating to pictures the distributor may fail to release during the contract year. (Read what was said about a similar "joker" in the study of clause Seventeenth of the Grand National contract, in the October 23 issue.)

#### MAIN CONTRACT:

SECOND CLAUSE (a) and (b): This clause fixes the term of the contract and sets forth the remedies for its breach. It is the same as the Second Clause ("a" and "b") of the Universal contract, discussed in the October 2 issue.

THIRD (a): Payment of the fixed rental for each picture must be made at least 3 days before delivery of the print.

TENTH: This clause provides for the manner in which the application may become a contract. It is the same as clause Ninth of the Paramount contract, discussed in the September 4 issue

ELEVENTH: The salesmen's promises are not binding unless they are written into the contract; and no modification whatever of the contract by oral understanding is valid.

TWELFTH: This clause relates to the assignability of the contract. (Read what was said about a similar provision in the interpretation of clause Nineteenth of the MGM contract, in the August 28 issue.)

FOURTEENTH: If either party to the contract is unable to perform with respect to some of the licensed pictures, for causes beyond its direct control, and so notifies the other party, in writing, the contract is deemed terminated as to those pictures.

Not satisfied with this provision, Republic has added a "trick" clause which provides that, despite all other provisions in the contract, if some of the licensed pictures are not produced by November 30, 1938, the distributor has the

right to exclude them from the contract, without incurring any liability.

The effect of the entire clause is: (1) the contract holder is excused for non-performance of the contract only if it be the result of causes beyond his direct control; (2) the distributor is excused for failure to deliver the pictures contracted for, regardless of whether it be the result either of causes beyond its control, or of its wilful refusal to make delivery.

FIFTEENTH (Cancellation Clause): Here is another independent distributor whose executives, like the executives of Grand National, are apparently in ignorance of the short, uninvolved cancellation provision adopted by the major distributors. The Republic contract has the heavy, awkward cancellation clause of the pre-NRA days. Since it is the same as the one discussed in the study of clause Fifteenth of the Grand National contract, in the October 23 issue, you should read what was said there, for it applies with equal force to this clause of the Republic contract.

It seems almost unbelievable that, with a good and equitable cancellation provision available to them, two of the important independent distributors should use the antiquated, clumsy provision that has been abandoned by all the major distributors, with the exception of Warner Bros.-First National.

Seventeenth: This clause provides for the manner of excluding from the contract those pictures the distributor may fail to release during the contract year. (Read what was said about a similar provision in the interpretation of clause Seventeenth of the Grand National contract, in the October 23 issue.)

When one reads this clause in conjunction with the clauses already discussed, one marvels at the ingenuity that must have gone into the preparation of the contract. So cleverly has it been constructed that, despite its thousands of words, it grants to the contract holder few more enforcable rights than would a Christmas greeting card.

TWENTY-FIRST: This clause deals with the roadshowing of some of the pictures. But it is meaningless since the distributor may do whatever it pleases with any picture until such picture is released generally in the exchange territory out of which the contract holder is served.

TWENTY-SECOND: This clause provides for optional arbitration under the contract. (Read what was said about a similar provision in the interpretation of clause Twentieth of the MGM contract, in the August 28 issue.)

#### THE STRIKE AGAINST PARAMOUNT

(Continued from first page)

tion of the Paramount officials, its pointed significance was inescapable; they agreed, therefore, to discuss the suggestion with representatives of the Philadelphia organization.

On Saturday, October 23, a meeting between the representatives of the Philadelphia organization and the executives of Paramount resulted in a plan of compromise, built on broad general terms, and providing for the adjustment of details with the individual exhibitors. It is based upon concessions by each side, with a definite understanding as to the program for making adjustments with the individual exhibitors.

As this paper goes to press, the exhibitors in the Philadelphia zone are meeting to vote upon the plan. Since it is to be available also to the other zones where the strike is in effect, the leaders of those zones have been invited to attend the meeting in Philadelphia.

The important question before the exhibitors is not the extent to which their demands have been satisfied, but the advantages to be gained in compromising and adjusting a dispute amicably, rather than in continuing it until some court designates one of the parties as the victor. By the time the conflict has ended, the victory proves an empty one.

From the time the strike began, this paper persistently advocated either compromise or arbitration. Then the decision rested with Paramount. Today this paper still advocates compromise. Now, however, the decision rests with the exhibitors.

It is to be hoped that the exhibitors will look upon the proposed settlement with the attitude that: (1) they must have confidence in their leaders; (2) if these leaders are satisfied with the plan of settlement, it should be approved; and (3) to accept a fair degree of redress by compromise is more profitable than to seek full redress through protracted litigation.

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SATURDAY, NOVEMBER 6, 1937

No. 45

### Box-Office Performances of 1937-38 Season's Pictures - No. 3

#### United Artists

(1937-38 Season)

"Dark Journey," with Conrad Veidt and Vivien Leigh, produced and directed by Victor Saville, from a screen play by Arthur Wimperis: Fair to Poor.

"Knight Without Armor," with Marlene Dietrich and Robert Donat, produced by Alexander Korda and directed by Jacques Feyder, from a screen play by Frances Marion: Good to Poor.

"Stella Dallas," with Barbara Stanwyck, John Boles and Anne Shirley, produced by Samuel Goldwyn and directed by King Vidor, from a screen play by Victory Heerman and Sarah Y. Mason: Excellent to Good.

"Dead End," with Sylvia Sidney, Joel McCrea and Humphrey Bogart, produced by Samuel Goldwyn and directed by William Wyler, from a screen play by Lillian Hellman: Very Good.

"Prisoner of Zenda," with Ronald Colman, Madeleine Carroll and Douglas Fairbanks, Jr., produced by David O. Selznick and directed by John Cromwell, from a screen play by John Balderston: Excellent to Very Good.

"Vogues of 1938," with Joan Bennett and Warner Baxter, produced by Walter Wanger and directed by Irving Cummings, from a screen play by Bella and Samuel Spewack: Good.

#### Universal

(1937-38 Season)

"Man Who Cried Wolf," with Lewis Stone, Barbara Read and Tom Brown, produced by E. M. Asher and directed by Lewis R. Foster, from a screen play by Charles Grayson and Cy Bartlet: Fair.

"Black Aces," with Buck Jones and Kay Linaker, produced and directed by Buck Jones, from a screen play by Frances Guihan: Fair.

"100 Men and a Girl," with Deanna Durbin and Adolphe Menjou, produced by Joe Pasternak and directed by Henry Koster, from a screen play by Charles Kenyon, Bruce Manning, and James Mulhauser: Excellent to Very Good.

"The Lady Fights Back," with Irene Hervey and Kent Taylor, produced by Edmund Grainger and directed by Milton Carruth, from a screen play by Robert T. Shannon: Fair.

"Behind the Mike," with William Gargan and Judith Barrett, produced by Lou Brock and directed by Sidney Salkow, from a screen play by Barry Trivers: Fair to Poor.

"Carnival Queen," with Robert Wilcox, Dorothea Kent, and Hobart Cavanaugh, produced by Robert Presnell and directed by Nate Watt, from a screen play by James Mulhauser, Lester Cole, and Harold Buckley: Poor.

#### Warner Bros.

(1937-38 Season)

"Varsity Show," with Dick Powell and Fred Waring, produced by Lou Edelman and directed by William Keighley, from a screen play by Jerry Wald, Richard Macaulcy, Sig Herzig, and Warren Duff: Very Good to Good.

"Wine, Women and Horses," with Barton MacLane and Ann Sheridan, produced by Bryan Foy and directed by Louis King, from a screen play by Roy Chanslor: Fair.

"Life of Emile Zola," with Paul Muni, produced by Henry Blanke and directed by William Dieterle, from a screen play by Norman Reilly Raine, Heinz Herald, and Geza Herczeg: Excellent to Very Good.

Editor's Note: This ends the first series of articles giving the box-office performances of the 1937-38 season's pictures.

The second series will be published as soon as a large enough number of pictures have played to sufficiently extensive audiences to make the report of their box-office performances meaningful. In that series, the box-office ratings of the 1937-38 season's pictures released up to the time the articles are published will be compared with the box-office ratings of the same number of pictures released during the 1936-37 season, taken in the order of their release.

## FAIR PLAY MAY SETTLE THE PARAMOUNT STRIKE

During the past week, the Philadelphia zone has been the center of observation in the buyers' strike against Paramount. Even the other zones that had participated in the strike have, temporarily, either suspended their activities entirely, or relaxed them partially, in order to concentrate their attention on the happenings in Philadelphia.

On Wednesday, October 27, under the guidance of the U.M.P.T.O. leaders, the exhibitors of that territory held a meeting for the purpose of discussing and passing upon the feasibility of a proposed plan for settling the controversy. The details of the plan were submitted to the meeting, attended by some 200 exhibitors, the largest in the history of the U.M.P.T.O., and after several hours of discussion and argument, a sensible method was devised for testing the effectiveness of the plan: The meeting voted to postpone final decision on the plan until the participants in the controversy had tried it out for a week. This procedure made it possible for both the distributor and the exhibitors to test the plan in operation, without actually having their deals signed. Since the proposed settlement had been drawn along general lines, leaving the final adjustments to be made by Paramount with each exhibitor individually, it was thought advisable to try out these individual adjustments for a week, to see just how they would work in practice.

All the reports received by this office indicate that, at the next meeting of the Philadelphia exhibitors, to be held on Wednesday, November 3, the plan of settlement will be approved.

It is evident from these reports that one fear of the exhibitors with respect to individual settlements was groundless: They had been fearful of the possibility that, if Paramount were permitted to deal with individual exhibitors, the way would be open for reprisals against those exhibitors who had played prominent parts in the strike. Paramount's method of dealing with the individual exhibitors, however, during the week of experimental adjustments, proved most gratifying, for, with but few exceptions, the exhibitors who concluded their individual adjustments were fully satisfied with Paramount's fair play.

If Paramount should continue this policy of dealing fairly with the individual exhibitors, and if the exhibitors, in turn, should cooperate by being fair in their demands, the settlement will be not only an effective means of terminating a distasteful controversy, but also a stabilizing influence on the entire distributor-exhibitor relationship.

Without fair play, however, without an attitude of unselfish cooperation, without discarding completely the tendency of some people to take advantage of unsettled conditions, no plan of compromise may be carried through

#### "Dangerously Yours" with Cesar Romero and Phyllis Brooks

(20th Century-Fox, November 12; time, 611/2 min.)

A fair program crook melodrama, with settings more lavish than those one usually finds in pictures of this grade. It keeps one guessing throughout; not until almost the end does the spectator really know whether the hero and the heroine are either crooks or detectives. The action is fast and at times exciting. Particularly thrilling are the closing scenes, where the hero and the heroine are trapped by the villain and his gang. The romance is an important feature of the story:—

Among the passengers aboard an ocean liner bound for New York are Cesar Romero, Phyllis Brooks, and her aunt (Jane Darwell). Miss Darwell was annoyed at Romero, for he had followed them all over Europe, professing to be in love with Miss Brooks. It develops that both Romero and Miss Brooks were after a valuable diamond had been brought aboard by a dealer, and which had presumably been checked with the purser; they decide to work together. Upon learning that the diamond was really in the dealer's stateroom, Miss Brooks goes there to get it. The dealer surprises her at the job, and is about to telephone for the Captain when Romero enters, shoots the dealer and takes the diamond. By placing the diamond under a bandage around Miss Darwell's ankle, Romero is able to smuggle it out. But when Miss Brooks and Miss Darwell deliver the diamond to their chief, they are amazed to find that it was an imitation. It develops that Romero was a detective, posing as a crook in order to trap the jewel thieves, that he had only pretended to shoot the dealer, who had been in on the trick to safeguard the diamond, and that the dealer had kept the genuine diamond. Miss Brooks is happy to know that Romero was not a crook. She signifies her willingness to reform and to marry Romero.

Lou Breslow and John Patrick wrote the original screen play; Mal St. Clair directed it, and Sol Wurtzel produced it. In the cast are Alan Dinehart, Earle Fox, and others.

Not suitable for children. Good for adults. Class B.

### "The Westland Case" with Preston Foster (Universal, October 31; time, 62 min.)

A routine murder mystery melodrama of program grade. Even though the identity of the murderer is concealed until the end, one is not held in tense suspense, because the plot is far-fetched and the methods used to prove the murderer's guilt are unbelievable. Preston Foster tries hard to appear sophisticated and nonchalant in the part of the detective, but, because of the silly situations in which he is placed, he is not very successful. There are occasional spurts of comedy, brought about by Foster's assistant. The romantic interest is of slight importance:—

Clarence Wilson, attorney for Theodore Von Eltz who had been sentenced to death for the murder of his wife, comes into possession of a new clue just one week before the electrocution date. He engages Preston Foster, a free-lance detective to help him prove his client's innocence. Foster, assisted by Frank Jenks, works on the case in a leisurely manner; but he obtains results. At the last minute he presents enough evidence to prove that Von Eltz was innocent, and that the guilty man was George Meeker, who had posed as Von Eltz's sincere friend.

Jonathan Latimer wrote the story, and Robertson White, the screen play; Christy Cabanne directed it, and Irving Starr produced it. In the cast are Carol Hughes, Barbara Pepper, Astrid Allwyn, and others.

Unsuitable for children. Adult fare. Class B.

#### "Federal Bullets" with Milburn Stone, Zeffie Tilbury and Terry Walker

(Monogram, October 20; time, 61 min.)

Mild program fare. All that is left of the novel from which this was adapted is the title; the story is a new one completely. The original story was exciting and offered Monogram a chance to make a thrilling picture. But this is just a formula melodrama, in which the hero joins a gang to get information against them. The producers tried to give the picture a novel twist by introducing a different type of gangster—that is, a frail old woman as a gangster leader. This may strike many spectators as being ridiculous. Until the closing scenes, the story is developed by dialogue instead of by action; but in the end it becomes pretty exciting. There the G-Men shoot it out with the gang. The romance is merely hinted at:—

The Bureau of Investigation comes into possession of information showing that Zeffie Tilbury, a supposed philauthropist and civic leader, was in reality the head of a vicious gang of criminals. Milburn Stone, a Federal Agent, is assigned to the case, to get the necessary information with which to convict Miss Tilbury. By pretending to be a criminal, he wins Miss Tilbury's confidence and becomes a member of the gang. When Stone learns that Miss Tilbury was planning to help Mattie Fain, a notorious killer, to escape from prison, he notifies his department, but tells them not to capture him. Instead, he planned to take Fain to Miss Tilbury's home so as to give the police an opportunity to break in and arrest Miss Tilbury on the charge of aiding a criminal to escape from prison. Miss Tilbury is frantic when Stone brings Fain to her home; she insists that they all leave for her hideout in the woods. Terry Walker, Miss Tilbury's secretary, who had not suspected her employer of criminal activities, is forced to go along. When they reach the hideout, Miss Tilbury receives a call telling her that Stone was a G-Man. The federal men arrive in time to save Stone and Miss Walker. The gang is rounded up, but Fain is killed. Then the police learn that he was Miss Tilbury's son.

The plot was suggested by the novel by Major George F. Eliot; Karl Brown wrote the screen play. Karl Brown directed it, and Lon Young produced it. In the cast are Selma Jackson, William Harrigan, and others.

Unsuitable for children. Adult fare. Class B.

#### "Ebb Tide" with Oscar Homolka, Frances Farmer, Ray Milland and Barry Fitzgerald

(Paramount, Nov. 26; time, 901/2 min.)

This sea story, filmed in technicolor, is an outstanding artistic production, but, so far as the masses are concerned, only fair in entertainment values; the brooding story tends to depress one. The photography is excellent, particularly in the typhoon scenes; these are thrilling, too, for they show the men struggling against a terrific storm to save their ship. But the number of exciting situations is insufficient for the average spectator. For the most part, the characters are given to lengthy conversations, during which they brood over their lot. The performances by Oscar Homolka and Barry Fitzgerald are good; but the characters they depict are unpleasant. For instance, Fitzgerald is shown drinking practically throughout the picture, and his slovenly appearance repels one; besides he is made to act in a base manner. Although one is held in tense suspense in the closing scenes, the brutal murders committed there may sicken some spectators:—

Homolka, Fitzgerald, and Milland, three beachcombers, stranded in the South Sea Islands, are finally able to leave by signing up on a ship which regular sailors shunned because of a small-pox epidemic on it. Homolka is made Captain; he is happy for he feels that now he had a chance to redeem himself and to wipe out the disgrace of having lost a ship while too drunk to give orders during a storm. Once aboard, Homolka, egged on by Fitzgerald, decides to steal the ship, take it to Peru instead of to Australia, and there sell the cargo of champagne. To his surprise he finds a passenger aboard-Frances Farmer, daughter of the deceased Captain; she orders him to take the ship to its destination but he refuses. He takes to drink again, only to come to his senses during a storm; he saves the ship. Homolka is saddened when he realizes that, while intoxicated, he had thrown most of the food away. When he discovers an unchartered island, he decides to stop and investi-gate. He goes ashore with Milland and Fitzgerald; they find an Island ruled by a brutal egotist (Lloyd Nolan), who for years had been collecting pearls without reporting it to the government. Homolka and Fitzgerald, having learned that their cargo consisted of water instead of champagne, decide to steal the pearls, but Nolan kills them before they could do so. Miss Farmer, who also had gone to the island, and Milland are saved in a peculiar manner: Nolan accidently trips and the natives, who had been led to believe that Nolan was a god, realize that he was just a man. Taking supplies they desert him and leave with Milland and Miss Farmer, who plan to marry.

The plot was adapted from the story by Robert L. Stevenson and Lloyd Osborne: Bertram Milhauser wrote the screen play. James Hogan directed it and Lucien Hubbard produced it. In the cast are Charles Judels, Charles Stevens, David Torrence, and others.

The drinking and murders make it unsuitable for children, Class B.

#### "Adventurous Blonde" with Glenda Farrell and Barton MacLane

(First National, November 13; time, 601/2 min.)

Fairly good program entertainment. It is a combination of comedy and murder mystery melodrama that holds one's interest pretty well throughout. Glenda Farrell, continuing in the part of "Torchy Blane," the newspaper reporter, gives a breezy performance, and as usual outwits the police, including her fiance (Barton MacLane), a police inspector, by solving the case herself. The story is somewhat farfetched and at times becomes involved; but, since the action is fast, these defects are overlooked. At first, one suspects several persons of having committed the murder; but, by the time the picture is half over, it becomes evident who the murderer is. The comedy is provoked by the many disappointments Miss Farrell meets in her efforts to get married. On her wedding day, a murder, which had started out as a hoax on the part of rival newspaper reporters who wanted to embarrass her by having her print an untrue story, prevents her and MacLane from being married. She decides to investigate the case herself, and eventually proves that the victim, an actor, had been murdered by a well-known newspaper publisher, whose wife had had an affair with the actor. Even though the case is finished, Miss Farrell cannot go on with her wedding plans because of an out-of-town assignment for her newspaper.

Robertson White wrote the original screen play, Frank MacDonald directed it, and Bryan Foy produced it. In the cast are Anne Nagel, Tom Kennedy, Natalie Moorhead, George E. Stone, Charles Wilson, and others.

The murder makes it unsuitable for children. Class B.

#### "52nd Street" with Ian Hunter, Leo Carrillo nd Pat Paterson

(United Artists, October 28; time, 81 min.)

Mild program fare. Spectators who expect to get a close view of New York's famous "52nd Street" and of the many well-known characters on that street will be keenly disappointed, for this ordinary musical comedy-drama does not even touch on real persons or places. It is just a disconnected hodge-podge of song and dance, with an accompanying trite plot that revolves around a fictitious family whose interests are tied up in that street. In no way does it suggest the glamour and excitement of the real 52nd Street. Except for intermittent outbursts on the part of Leo Carrillo, a music-loving chef who uses wrong words and a broken accent, the comedy falls flat. The story lacks human appeal:-

When Ian Hunter, wealthy New Yorker residing on 52nd Street, marries Marla Shelton, a cafe singer, his sisters (Dorothy Peterson and Zasu Pitts) refuse to have anything further to do with him. He takes up residence on the same street in a house that his father had left him. After the birth of a daughter, Miss Shelton becomes bedridden and soon dies. Hunter sends the child to good schools, hoping that she would become a real lady. In the meantime, 52nd Street loses social prestige because the houses were being turned into cafes. As a matter of fact, Hunter turns his own house into a cafe, which becames extremely profitable. When his grown daughter (Pat Paterson) returns home, she tells her father that she wanted to become an entertainer. Because he objects, she takes a job at a rival cafe, where she meets Kenny Baker, a singer; they fall in love. Hunter's sisters, learning that their brother had been supporting them for years, decide to turn their house into a cafe, too. This brings about a family reconciliation.

Grover Jones wrote the original screen play; Harold Young directed it and Walter Wanger produced it. In the cast are Ella Logan, Sid Silvers, Jack White, and others. Suitability, Class A.

#### "Night Club Scandal" with John Barrymore, Lynne Overman and Louise Campbell

(Paramount, Nov. 19; time, 73 min.)

A good program murder melodrama. Even though the spectator knows from the very beginning who committed the murder, and also that he would be caught in the end, one is held in suspense by reason of the fact that the police are unware of the murderer's identity. The interest lies, therefore, in watching them solve the crime. There is some human appeal, brought about by the devotion of the heroine to her innocent brother, whom she tries to save from the electric chair. Lynne Overman, in the part of a newspaper reporter, provokes laughs by his flippant manner

John Barrymore, a physician, murders his unfaithful wife

and then leaves evidence around pointing to her lover (Harvey Stephens) as the murderer. When Stephens arrives for a clandestine meeting, he is horrified to find the body, and leaves, as he had come, by the back door. His fingerprints, together with the other things Barrymore had planted, are enough to convict him; he is sentenced to be electrocuted. His faithful sister (Louise Campbell), believing in her brother's innocence, enlists the aid of Overman, a newspaper reporter, to help her prove that her brother was not guilty. Not until six hours before the electrocution does Overman meet with success. He discovers that Barrymore had murdered J. Carrol Naish, owner of a night club, who had stolen a charm, belonging to Stephens, which Barrymore had put in his wife's hand. Evelyn Brent, Naish's enraged wife, gives Barrymore away. He is compelled to confess; and Stephens is freed. Overman is disappointed to learn that Miss Campbell was already engaged to someone else.

The plot was adapted from a play by Daniel N. Rubin; Lillie Hayward wrote the screen play, and Ralph Murphy directed it. In the cast are Charles Bickford, Elizabeth Patterson, and others.

Unsuitable for children and adolescents; adult fare.

#### "Living on Love" with James Dunn and Whitney Bourne

(RKO, Nov. 12; time, 61 min.)

Mild program fare. It is a remake of "Rafter Romance," released by RKO during the 1933-34 season, but not as good as the first version, for the comedy is not as spontaneous. It fails to hold one's attention because of the unexciting action; as a matter of fact one is slightly bored by the time the picture is half over. In addition, the players are not strong box-office attractions:-

Solly Ward, owner of a rooming house, insists that, since Whitney Bourne and James Dunn could not pay rent for their respective rooms, they cooperate with him by sharing one room-Dunn, who worked at night, to have the room during the day, and Miss Bourne to have it at night. The co-tenants, not having met, develop a dislike for each other, leaving insulting notes each time they vacate the room. Miss Bourne and Dunn meet on the outside and fall in love, without realizing that they were the ones sharing the same room. Through an accident, this is finally brought to light. Miss Bourne is angry; but she forgives Dunn. They decide to marry and continue living in the same room.

John Wells wrote the story, and Franklin Coen, the screen play; Lew Landers directed it, and Maurice Cohen produced it. In the cast are Joan Woodbury, Franklin Pangborn, Tom Kennedy, and others.

Suitability, Class A.

### "High Flyers" with Bert Wheeler, Robert Woolsey and Lupe Velez (RKO, Nov. 26; time, 70 min.)

Entertainment strictly for the Wheeler and Woolsey fans. As in their previous pictures, these comedians are handicapped by a silly story and trite dialogue. Lupe Velez helps things along a little by singing a few songs and imitating different stars; as a matter of fact every one concerned tries hard, but they cannot do much with the poor material given them.

This time Wheeler and Woolsey innocently become involved with jewel smugglers, who trick them into picking up jewels from their agent by flying out in a seaplane and meeting the ship on which he was travelling, before it landed. After getting the jewels, they crash in the garden of the home belonging to Paul Harvey, the owner of the jewels. Woolsey is nervous when he finds out what he had done, for he had already served two prison terms, and a third arrest would mean life imprisonment. The crooks try to convince Harvey that Wheeler and Woolsey were escaped lunatics. In the meantime, Harvey's dog finds the jewel box, and buries it in the garden. Despite much effort on the part of the crooks to find it, Harvey's wife finally locates it. The police prevent the crooks from taking it from her. In the end it develops that the jewels were only paste imitations, the real ones having been sent direct to Harvey's office.

Victor Mapes wrote the story, and Benny Rubin, Bert Granct, and Byron Morgan, the screen play; Eddie Cline directed it, and Lec Marcus produced it. In the east are Marjorie Lord, Jack Carson, Margaret Dumont, and

to a satisfactory conclusion. There are always the few who, disregarding the interests of those who have fought side by side with them, seek petty personal gains and insist so stubbornly in their demands that even the most noble experiments are bound to fail. If there be any such individuals among the exhibitors, they should be shamed into dealing fairly in this settlement, for the common good.

The eyes of all the striking exhibitors are focused on Philadelphia. That territory took the first steps to innaugurate the buyers' strike; the other zones followed. It now takes the first steps to end the fight; should its efforts prove successful, the other zones will most likely again follow.

Being geographically close to the home office of Paramount, and having leaders whose ability and courage are admired by all exhibitors, the Philadelphia-zone exhibitors are in a position to make the most reliable test possible of the feasibility of the proposed settlement. The result of their action will determine the course that will be taken by the other exhibitors. Their responsibilities, therefore, are indeed great.

Upon the ratification of the proposed plan of settlement, which most likely will be effected at the next meeting of the U.M.P.T.O., if all the Philadelphia exhibitors will maintain a spirit of fair play, and if Paramount will continue in the same spirit it has shown during the past week, the Philadelphia zone will be so pointed an example of the benefits of compromise, as to bring the other zones into line for an amicable adjustment of their disputes with Paramount. The distributor, too, will undoubtedly be so pleased with the results of the settlement that it will offer either the Philadelphia plan of settlement, or one equally satisfactory, to the striking exhibitors in the other zones.

The solution of the entire problem, however, depends upon fair play.

#### WRITE IT INTO THE CONTRACT

Last week's issue of this paper concluded a series of eleven articles analyzing the more important provisions of the 1937-38 season's contracts used by the major distributors and by three prominent independent distributors.

A review of these articles reveals that all the contracts used by the distributors have a provision to the effect that unless the representations and promises of the salesmen are written into the contract, they are not enforceable.

A recent editorial in "The National Exhibitor," signed by Jay Emanuel, is very much in point, for it directs the exhibitors' attention to the importance of making the salesmen put their promises in writing. The editorial reads in part:

"The trouble with the exhibitor seems to be that he mixes up the work sheet with the contract. The salesman makes use of verbal and written arguments, but the company can't be held responsible for anything except what appears on the contract....

"No matter what the salesman may tell you, the distributor can be held liable for nothing that is not written in the contract.

"It can not be repeated too often:

"Put it in the contract.

"If the exhibitor does not protect himself in this way, he has only himself to blame when the end of the season rolls around and he finds that the glorious promises of the worksheet of yesterday are but the legal evasions of today."

These observations of Jay Emanuel are only too true. The exhibitor has become easy prey for the deceptive, exaggerated promises of the salesman. Despite the warnings of exhibitor leaders, and despite sad experiences of seasons gone by, many exhibitors still accept the salesman's oral promises as if they were the promise of the distributing company written into the contract.

Salesmen still succeed in getting exhibitors to sign applications for contracts by directing their attention to the beautiful half-promises contained in the work-

sheet. And, of course, the worksheet gives the exhibitor as many rights as does the salesman's "Good morning."

Sometimes the salesman will whisper into the exhibitor's ear what he claims to be confidential information about the pictures that will be delivered under the contract. He tells the exhibitor that, although the company has not announced generally that these pictures would be produced and delivered, he may rely upon this confidential information and feel secure in the thought that the pictures will be his during the season.

Why the generosity of the salesman? Because, as he says, the exhibitor involved is a "good fellow," and he wants to do something for him that he would not do for any one else. His vanity being thus pleased, the exhibitor signs an application that contains no reference to the promised pictures. At the end of the season, if the pictures are still undelivered and the exhibitor has lost all hope of getting them, he realizes for the first time how much better off he would have been had the confidential information been written into the contract rather than whispered into the ear.

Then again, surprising as it may seem, many exhibitors are still hoodwinked by the well known psychological trick accomplished by a statement made in such a bold, positive manner as to throw the person to whom it is made into a fear of questioning either the accuracy of the statement or the authority for its utterance. For instance, the salesman may say to the exhibitor, "Under this contract you will get two pictures starring So and So, and two pictures based upon these two books (naming them), which are the season's best sellers." When the exhibitor asks, "How do I know that I will get these pictures?" the salesman replies with an air of indignation: "I am telling you so! Isn't that enough for you? Don't you thing I know what is going on in my company?" The poor exhibitor is overawed; he fear to question further and signs the application. When it is accepted by the home office, thus becoming a contract, it gives him no rights to compel delivery of the pictures the salesman had promised him. Had he only insisted that, since the salesman was so positive that these pictures would be delivered during the season, he specify them as part of the purchased product by writing a little memorandum to that effect in the schedule, the contract holder would have had some rights to compel the delivery of these pictures if they were produced during the season.

Another phase of this reliance by exhibitors on the oral promises of salesmen, and one much more serious that those already discussed, is that which relates to the number of days each picture is to run. An exhibitor, when signing a contract with the provision that each picture is to run, for example, two days, tells the salesman that he may wish to run some of the pictures three days. The salesman replies, "Oh, that's all right; you will have no trouble about that," and the permission to run some of the pictures for more than two days is not written into the contract. Little does the exhibitor realize that, should he run any picture for more than two days, he may violate the Copyright Law and subject himself to a penalty of \$250 for each showing of the picture after the expiration of the second day's run.

As was pointed out in the series of articles analyzing the important provisions of the contracts, the contract holder gets few enough enforceable rights against the distributor. When, therefore, the salesman dangles before the eyes of the prospective contract holder some definite substantial benefits to be derived from the contract, then certainly the exhibitor should insist that, before he signs an application for it, the promise of these benefits be put into the contract.

There is only one way in which the exhibitor can change the salesman's promises from soap bubbles to enforceable rights, and that is by taking a firm, unswerving stand and saying to the salesman: "If you want me to buy your pictures, write those promises into the contract!"

#### MISSING COPIES

If you have either lost or mislaid any of your copies of HARRISON'S REPORTS, particularly copies of the last eleven editions containing the study of the distributors' 1937-38 season's license agreements, you should notify this office at once, and extra copies will be sent to you without charge.

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#### PEACE WITH PARAMOUNT

On Wednesday, November 3, the exhibitors who had participated in the buyers' strike against Paramount in the Philadelphia territory voted unanimously to adopt the proposed plan of settlement and to bring hostilities to an end.

As reported in last week's issue of this paper, the members of the Philadelphia organization, U.M.P.T.O., had held a meeting on Wednesday, October 27, and had voted to try out the plan of settlement for one week, to determine whether the basic terms of the settlement were flexible enough to be carried out to the satisfaction of the exhibitors. From the reports of some of the exhibitors who, under the basic terms of the plan, had made tentative adjustments with Paramount, it seemed almost certain that, at the meeting of November 3, the plan would be approved and the strike would be definitely settled. The result was as predicted.

A few exhibitors were unable to make their individual adjustments with Paramount on a basis satisfactory to them. The Philadelphia organization decided, therefore, to set up a conciliation board to which these exhibitors might take their individual grievances, and if the board should find that the demands of these exhibitors were justified, they would attempt to make the adjustments for them directly with Paramount.

The provision for the conciliation board was indeed a happy one. It will do away with the possibility of loose ends dangling from an otherwise satisfactory settlement; it will provide the means by which all grievances of merit will be ironed out and tucked into the general settlement, so that, upon its completion, it will constitute a well rounded uniformly accepted whole.

An indication of foresight on the part of exhibitor leaders was their decision to retain their "War Board." Although hopefully looking forward to a smooth conclusion of the settlement, the exhibitor leaders thought it wise to retain the means with which to handle unforseen complications, should any arise. They realized that here, as has often been the case in distributor-exhibitor transactions, there might arise difficulties that could be overcome only by the use of such a medium. And so, even in time of peace, they are keeping intact their War Board.

As was to be expected, the exhibitor leaders of the other zones where the strike has been in effect have begun negotiations with Paramount for the discontinuance of the strike in those zones, upon terms substantially similar to the terms adopted by the Philadelphia exhibitors. Having at their disposal the experience of the Philadelphia territory, the other zones will re-

quire little time and very informal action to conclude their peace treaties with Paramount.

The strike has been long and costly to both the exhibitors and the distributor. For a time it caused intense bitterness between them. The expense of lawyers and litigation, great though it may have been, was insignificant as compared with the loss of earnings suffered by Paramount and by the exhibitors alike.

And yet, despite the courts, despite the lawyers, and despite the immovable obstinacy of the Paramount executives during the early stages of the strike, the cessation of hostilities was accomplished by the means that should have been adopted at the outset—compromise. And this method would have been adopted at that time if those in power had been reasonable enough and tolerant enough to understand that in few disputes are there less than two sides, each with apparent merit.

Nevertheless, there is no need to bewail what has passed. One does not count the cost of activities that result in the establishment of fundamental rights. And the results of the strike activities are far more vital and significant than the few concessions made by Paramount in the settlement terms agreed upon. This strike has resulted in proving to the industry that, when the necessity for it arises, the exhibitors can, and they will, band together and stand together until they have accomplished their object.

There may be some who will dispute the assertion that the exhibitors have gained a victory by the settlement. Without question, the exhibitors have received less than they were morally entitled to receive. They have succeeded, however, in attacking a major distributor in its one vulnerable spot—its pocketbook; and the loss of income to Paramount during the strike has been enormous. They have succeeded also in compelling a major distributor, who at first refused even to listen to such a suggestion, to deal with a committee of exhibitor representatives. This in itself constitutes a victory.

"But," says the cynic, "the final details of the settlement are to be worked out between Paramount and the individual exhibitors" How else could the settlement have been concluded? We must not lose sight of the fact that the situation of one exhibitor is different from the situation of his neighbor. What might be a fair deal for one exhibitor, if it resulted from a blanket settlement made for all exhibitors, might be an extremely harsh deal for a number of other exhibitors, whose theatres were only around the corner from the first one. At no time did the exhibitor leaders believe that a plan of settle-

#### "Murder in Greenwich Village" with Richard Arlen, Fay Wray and Raymond Walburn

(Columbia, October 20; time, 66 min.)

A moderately entertaining program murder-mystery melodrama, with comedy. It is not as gruesome as the title suggests, for the comedy predominates; the murder angle is just a side issue. The story is extremely far-fetched and illogical, particularly in the way the identity of the murderer is made known. There is too much dialogue, most of which is taken up by the bickering between the hero and the heroine, who, although in love with each other, refuse to admit it. No one does anything to arouse sympathy:—

Fay Wray, wearing only a bathing suit in which she had been posing for an artist, runs down the fire escape of his apartment when he nade advances toward her; she is helped by Richard Arlen, a commercial photographer. He takes her to his studio, gives her a dress from his stock wardrobe, and takes her home. When the artist is found murdered, Miss Wray is naturally involved. But she gives as her alibi the fact that she had been spending the evening with her fiance (meaning Arlen); Arlen, in order to help her, corroborates the story. Miss Wray tries to help Arlen by getting him a contract with a million-dollar aluminum company. The day before he was to sign the contract, he becomes involved in the murder of a man who had threatened to blackmail Miss Wray's wealthy father. Miss Wray comes to his rescue by providing him with an alibi; but he loses the contract. He tells her to leave him alone because she had brought him only bad luck. Despondent, Miss Wray decides to sail for Paris wth a family friend (Leon Ames). Arlen rushes to the boat to stop her. There they are confronted by the gangster brother of the murdered artist, who proves that Ames had killed the two men; he then kills Ames and gives himself up. His name cleared, Arlen proposes to Miss Wray and is accepted.

Robert T. Shannon wrote the story, and Michael L. Simmons, the screen play; Albert S. Rogell directed it, and Wallace MacDonald produced it. In the cast are Wyn Cahoon, Scott Colton, Thurston Hall, Marc Lawrence, and others.

Unsuitable for children or adolescents. Class B.

#### "Live, Love and Learn" with Robert Montgomery, Rosalind Russell and Robert Benchley

(MGM, October 22; time, 78 min.)

Good. It is surprising that this is as amusing as it is, for the story upon which it has been based is an old one-that of a young man, an artist this time, who lets success go to his head. The first half is particularly good, with Robert Benchley provoking most of the laughs as Montgomery's shiftless friend who drinks too much. The scenes in Montgomery's Greenwich Village apartment, when he brings in his society bride (Rosalind Russell), only to find Benchley already asleep, should provoke howls of laughter. There are many amusing situations. The funniest are those in which Benchley, Montgomery, and Miss Russell play pranks on newspaper reporters seeking to get a story from Montgomery, who had been arrested for inciting a riot in the park over his paintings; particularly amusing is the part in which Monte Wooley, a famous art dealer, calls to see the paintings and is mistaken for another newspaper reporter. They pour water over him, cut his suspenders, snip his tie, and sit him on a chair that breaks, before they realized who he was. The second half is a let-down after the hilarity in the beginning. It displeases the spectator to see Montgomery permit Helen Vinson, an aggressive society girl, to lead him around and to make him forget that he was an artist and not merely a painter of society women who paid well. The fact that Miss Russell, who had given up wealth and position to marry Montgomery, is unhappy at his sacrificing his ideals for money, makes the spectator feel sympathy for her. It is not until she leaves Montgomery that he realized she had meant everything to him and that the life he was leading was a false one. Their reconciliation pleases the spectator. The picture ends on a comical note, with Montgomery, Miss Russell, and Benchley letting a rich patron know what they thought of him.

Helen G. Carlisle and Marion Parsonnet wrote the story, and Charles Brackett, Cyril Hume and Richard Malbaum, the screen play; George Fitzmaurice directed it, and Harry Rapf produced it. In the cast are E. E. Clive, Mickey Rooney, Charles Judels, and others.

Exhibitors may find some of the remarks about the divorce a little too suggestive for children or adolescents. Harmless for adults. Class B.

#### "Portia on Trial" with Frieda Inescort, Neil Hamilton and Walter Abel

(Republic [1936-37], November 8; time, 74 min.)

This emotion-stirring drama is good entertainment; and the mother-love angle should prove particularly appealing to women. The outstanding feature is the excellence of the performances by the leading players, who give realism to their respective parts. Despite the lack of action, and a few maudlin situations, one's attention is held to the very end. It is in the closing courtroom scenes, however, that the story is most dramatic, for there the heroine, a lawyer, to save a young girl's life, takes the chance of losing her son's love. The fact that she was compelled to bare her own past in order to strengthen her arguments makes the audience feel deep sympathy for her. The love interest is of minor importance:—

Frieda Inescort's son (Anthony Marsh) had been led to believe by his father (Neil Hamilton) and by his grandfather (Clarence Kolb) that his mother was dead. Not having seen him for many years, Miss Inescort contrives to meet him; he feels himself drawn to her. Hamilton, a weakling who had always been ruled by his father, tells Marsh who Miss Inescort is. Marsh, happy at the news, rushes to Miss Inescort; they look forward to happy times together. When Heather Angel, a young girl who had arrived from England to marry Hamilton, is told that she was an undesirable alien and must leave the country, she believes that Hamilton, wanting to get rid of her, had framed her, and she kills him. Miss Inescort decides to defend her, much to her son's disgust. She calls Kolb to the stand, and brings out the startling fact that he had framed Miss Angel. He is compelled to tell also the facts surrounding Miss Inescort's marriage to Hamilton—that seventeen years previously, she herself had attempted to kill Hamilton and that the only way Kolb would take care of her baby was for her to marry Hamilton and then permit him to annul the marriage by using affidavits she had signed, confessing to crimes she had not committed. The jury brings in a verdict of not guilty. Marsh rushes to his mother joyfully, as does Walter Abel, the District Attorney, who had never understood why Miss Inescort would not marry him.

The plot was adapted from the novel by Faith Baldwin. Samuel Ornitz wrote the screen play, George Nicholls, Jr., directed it, and Albert E. Levoy produced it. In the cast are Ruth Donnelly, Barbara Pepper, Paul Stanton, and others.

Unsuitable for children or adolescents. Good for adults. Class B.

#### "A Girl with Ideas" with Wendy Barrie, Walter Pidgeon and Kent Taylor

(Universal, Nov. 7; time, 66 min.)

A fair program comedy, revolving around a newspaper office. Although the story is somewhat far-fetched, the action is fast, holding one's attention throughout. The laughs are provoked by the rivalry between Walter Pidgeon and Kent Taylor, which causes them to play tricks on each other. The story lacks human appeal; but it has enough comedy of the nonsensical type to amuse the average audience:—

Wendy Barrie, daughter of millionaire George Barbier, obtains a verdict of \$750,000 against Pidgeon, in a libel action she had brought because of a story he had printed about her in his newspaper. Not having the money to pay her, he is compelled to turn over the newspaper to her. Pidgeon suggests that Kent, his chief reporter, do everything in his power to bankrupt the newspaper, so that he might buy it back; but Kent, having fallen in love with Miss Barrie, refuses to do so. Pidgeon frames a kidnapping story involving Miss Barrie's father, in the hope that, should Kent print the story, it might later be uncovered as a hoax perpetrated on the public to increase the newspaper's circulation. But complications set in when Barbier, who read the newspaper account of his kidnapping and liked the idea, for it would give him a chance to stay away from his home, actually hides for a time and cannot be found. Eventually everything is cleared up; Miss Barrie decides to turn back the newspaper to Pidgeon.

William Rankin wrote the story, and Bruce Manning and Robert T. Shannon, the screen play. S. Sylvan Simon directed it, and Edmund Grainger produced it. In the cast are Dorothea Kent, Ted Osborn, Henry Hunter and others.

## "Conquest" with Greta Garbo and Charles Boyer

(MGM, October 29; running time, 111 min.)

The extremely lavish production and the artistic performances by Greta Garbo and Charles Boyer make this costume-romance excellent entertainment for class audiences. It is a fictionized version of the love affair between Napoleon and Marie Walewska, supposedly the only woman he really loved. The elaborate, expensive backgrounds and the acting should impress the masses; but they may be dissatisfied with the lack of action, for the picture is concerned mostly with the development of the romance. Although the story takes in almost ten years between Napoleon's victorics and his eventual defeat, there are no battle scenes; these arc brought to the audience's attention by dialogue. Extreme delicacy has been used in the handling of the illicit love affair. It is only in the beginning, when Napoleon demands Marie's surrender, that it may offend some spectators. Otherwise, one is in deep sympathy with the lovers, who find in their relationship the only happiness that either one had ever known.

In the development of the plot, Marie Walewska (Greta Garbo), wife of the old but wealthy Count Walewska (Henry Stephenson), idolizes Napoleon (Charles Boyer), whom she had met but once. They meet again at a ball, and every one notices Napoleon's marked attention to her. A delegation of Polish aristocrats call to see Marie, pleading with her to intervene with Napoleon for the sake of Poland's freedom, even if it meant surrendering to him. Her outraged husband orders them to leave. But Marie, unknown to her husband, goes to Napoleon to plead for her country; he forces her to surrender to him. Saddened, she returns home; her husband, finding out what had happened, leaves her. A short time later she again meets Napoleon, who, with his soldiers, had stopped for shelter at her home. He begs for her forgiveness, and they become reconciled. Their relationship is continued for years. Marie's dreams are shattered when Napoleon tells her he must marry into the powerful Hapsburg family, in order that he might have an heir; her pride did not permit her to tell him that she was going to have a child, and so they part. Napoleon marries the princess, who in time bears him a son. But when he is exiled, his wife forgets him. He is pleased to receive a visit from Marie, who had brought their child with her. Despite her pleas for him to accept the inevitable and to get what happiness he could out of life, he makes plans for his return; she willingly risks her life to get him the help he wanted. But again he meets with defeat. Marie pleads with him to escape to America, but he refuses; instead, he accepts banishment. Marie, in tears, watches him leave; her only consolation is her child.

Helen Jerome wrote the dramatization from the story by Waclaw Gasiorowski; Samuel Hoffenstein, Salka Viertel and S. N. Behrman wrote the screen play; Clarence Brown directed it, and Bernard H. Hyman produced it. In the cast are Reginald Owen, Alan Marshall, Leif Erikson, Dame May Whitty, and others.

Not for children. Good for adults. Class B.

#### "It's Love I'm After" with Leslie Howard, Bette Davis and Olivia de Havilland

(Warner Bros., Nov. 20; time, 90 min.)

Lavish settings, expert performances, and an amusing story make this an excellent comedy. Leslie Howard, as the egotistical Shakespearean actor susceptible to pretty women, dominates the picture. Witty dialogue and amusing situations are prevalent throughout, keeping the audience laughing from the start to the finish. As a matter of fact some of the lines will be lost in the theatre because of the continued laughter. Although certain spots are sexy, they are too amusing to be taken seriously, and so are inoffensive. Eric Blore adds much to the gaiety by his impersonation of Howard's faithful valet, who tries to keep his master on the straight and narrow path. The romance between Howard and Miss Davis is amusing:—

Although Howard, a noted Shakespcarean actor, and Miss Davis, his leading lady, are passionately in love with each other, they quarrel constantly. During one of their peaceful moments, they decide to get married and they prepare to leave for the ceremony. Just as Howard was packing, he receives a visit from Patric Knowles, who pleads with Howard to help him. It seems that Knowles was in love with wealthy Olivia de Havilland, who, in turn, was smitten by Howard. Knowles asks Howard to visit Miss de Havilland and to behave in so scandalous a manuer as to disillusion her. Miss Davis is enraged when Howard tells

her that they must postpone their marriage until he helped Knowles out of his difficulties. Things do not work out as they had planned, for, instead of being displeased, Miss de Havilland is charmed by everything that Howard does. He even tries to frighten her by going to her room at night, but she is flattered because she felt that he loved her. Miss Davis arrives on the scene and, to spite Howard, complicates matters even more by pretending that she was his wife and that she would give him a divorce so that he might marry Miss de Havilland; this was the last thing Howard wanted to do. Things are finally settled when romantic Miss de Havilland decides that she really loved Knowles. Howard and Miss Davis fall into each other's arms.

Maurice Hanline wrote the story, and Casey Robinson, the screen play; Archie L. Mayo directed it, and Harry Joe Brown produced it. In the cast are George Barbier, Bonita Granville, and others.

Although children will not understand the sex situations, adolescents may; therefore, adult fare. Class B.

#### "West of Shanghai" with Boris Karloff, Beverly Roberts and Ricardo Cortez

(First Nat'l [1936-37], October 30; time, 65 min.)

There is not much to recommend in this one. It is a remake of "The Bad Man," with a change in locale; instead of the action taking place in Mexico, it now takes place in China. As entertainment, it is mildly amusing; its chief virtue lies in the performance given by Boris Karloff as a Chinese rebel general; he makes the part both sinister and comical. The action is not particularly exciting; and the romance is just mildly pleasant:—

Ricardo Cortez and Donald Wood, rival oil men, together with Wood's daughter (Sheila Bromley), arrive at a small Chinese village, where they are given shelter at the mission. Beverly Roberts, Cortez' estranged wife, who lived at the mission, does not hesitate to tell him that she was in love with Gordon Oliver, owner of the oil field on which Wood held a mortgage, and which Cortez was trying to take away. Their differences fade into the background when the mission is taken over by Karloff, a rebel Chinese general; he makes them virtual prisoners. At first Karloff wanted Miss Roberts for himself, but when he learns that she was in love with Oliver, who had once saved his life, he decides to help them. Karloff kills Cortez, who had tried to start trouble among his soldiers. Eventually the regular troops arrive; Karloff is executed. Miss Roberts and Oliver are free to marry.

The plot was adapted from the play by Porter Emerson Browne; Crane Wilbur wrote the screen play, John Farrow directed it, and Bryan Foy produced it. In the cast are Vladimir Sokoloff, Gordon Hart, Richard Loo, and others.

Not for children. Adult fare. Class B.

#### "That's My Story" with Claudia Morgan and William Lundigan

(Universal, October 31; time, 62 min.)

This program melodrama has such a far-fetched plot that most spectators will consider it silly. It is slightly exciting in the closing scenes when Claudia Morgan (heroine) and William Lundigan (hero) are trapped by the criminals; but even these scenes are developed in the rou-tine manner. The actions of Miss Morgan, a newspaper reporter, in giving a false story to Lundigan, another newspaper reporter, knowing that he would be embarrassed when his paper printed it, are not commendable; therefore, one does not feel sympathy for her. One of the absurd points of the picture is the fact that every one is able to get out of jail with the utmost of ease-first, Lundigan, who had purposely gotten himself arrested so as to get an interview with Bernadene Hayes, another inmate, who had been convicted on a murder charge; then, Miss Hayes, who takes with her Lundigan and Miss Morgan, who had entered the jail for the same purpose as Lundigan. By this time Miss Morgan regrets the trick she had played on Lundigan and promises to make it up to him. Lundigan persuades Miss Hayes to surrender, promising his paper's help. Free again, both he and Miss Morgan rush to telephone the story to their respective papers. They decide to patch up their quarrels and get married.

Barry Trivers wrote the screen play, and Sidney Salkow directed it. Robert Presnell produced it. In the cast are Eddie Garr, Hobart Cavanaugh, Ralph Mogan, Charles Wilson, Edward Gargan, and others.

Morally suitable for all. Class A

ment could be worked out, which, without a provision for individual adjustments, would be either workable or satisfactory. And so, in spite of the fact that the adjustments are individual instead of collective, the exhibitors gained a significant point when they forced the Paramount executives to agree upon the general outline of the settlement, with a committee of exhibitor representatives.

Not until the end of the 1937-38 season will the exhibitors be able to appreciate fully the results of this strike. At that time they will be able to determine whether or not the strike has succeeded in stamping out a vicious practice that had been growing more general and more flagrant from year to year. It must be remenibered that Paramount had not been alone among the distributors in promising a number of socalled big pictures for delivery during the contract year, then withdrawing those pictures by the exercise of some of the trick provisions in the contracts, and later re-selling the same pictures on the next season's contracts for more money. The exhibitors could not direct their strike activities against all the offending distributors at one time. Consequently, they chose Paramount as the object of their attack, because, during the 1936-37 season, Paramount had been the worst offender. The other distributors are fully aware of this fact, and so, at the close of the current season, the effect of the strike should be evident in their actions.

This paper feels confident that the close of the 1937-38 season will mark the end of this unwarranted practice. If this should be the fact, the exhibitor leaders, and all those exhibitors who stood by throughout the strike, will have much for which to feel proud.

## EXHIBITOR LEADERS, MAKE UP YOUR MINDS!

Some exhibitor leaders have been agitating for a new form of federal legislation for the motion picture industry. They want Congress to pass an act patterned after the Bituminous Coal Act of 1937, known also as the Guffey Act.

Recently, Abram F. Myers, general counsel for Allied States Association of Motion Picture Exhibitors, and chairman of its Board of Directors, made a suggestion that exhibitors and exhibitor organizations should give careful study to the advisability of entering upon a concerted drive to have such legislation enacted. In submitting this suggestion to the exhibitors, Mr. Myers stated in part:

"In the concluding days of the last session of Congress, Allied leaders who had come to Washington in the interest of the Hobbs Resolution (H. Res. 160) held numerous conferences with leaders of the House of Representatives and officials of the Executive Departments....

"Some of the most powerful members of the House expressed the view that knowledge in reference to the activities of the motion picture trust was so prevalent in the Congress that no long and expensive investigation was needed to acquaint the members with the need for remedial legislation and the thing to do was to agree upon proper legislation and have it ready for introduction at the next regular or special session. . . .

"I desire to take this opportunity to present for the consideration of the independent exhibitors the idea of a regulatory act, fashioned somewhat along the lines of the Bituminous Coal Act of 1937 (Guffey-Vinson Act), and applicable to conditions and practices in the motion picture industry."

Then, after explaining, in general, the method by which the Guffey Act regulates the coal industry, and after indicating how a similar act might operate in the motion picture industry, Mr. Myers concluded with the following admonition:

"If the exhibitors of the United States want this form of regulation and will work for it, they can secure it. If they want some less drastic measure, they can have that. But they must make up their minds. A division of opinion after a measure has been introduced, however onesided, will imperil their chances."

In one respect, Mr. Myers is right: If the exhibitors should make up their minds as to what form of legislation they want, and if they should unite in a concentrated drive to have that form of legislation passed, they may succeed in gaining their object.

But before the exhibitor leaders decide what shall be their legislative goal, before they give the signal for flag waving and psalm singing to herald the introduction of some new form of industry regulation, before they start spending money to influence public opinion and Congressmen's votes, and before they begin to take up people's time in Congressional-committee hearings, they should consider where they are heading for, and why they have chosen that road. Perhaps they should have recalled to them that there are now several legislative measures pending: In Congress there is the Neely-Pettengill Bill, aimed against compulsory block-booking and blind selling; also the Hobbs Resolution, seeking a complete and searching investigation of the industry. In several state legislatures there are the Divorcement Bills, similar to the one passed in North Dakota, divorcing the business of exhibiting motion pictures from the business of distributing films. And not to beoverlooked are the chain theatre tax bills.

Mr. Myers himself has said that once a measure has been introduced, its chances of passage are imperiled if there should be any division of opinion among its sponsors. Perhaps the exhibitor leaders, including Mr. Myers, should heed well this admonition. Before they decide to sponsor legislation similar to the Guffey Act, or any other form of legislation for that matter, they should make up their minds as to whether or not they are willing either to imperil the chances of the enactment of legislation now pending, or to discard that legislation entirely.

Mr. Myers says that some of the most powerful members of Congress have expressed the view that Congress is fully cognizant of the "activities of the motion picture trust" and of the needs for remedial legislation. If this betrue, it would seem that there should be no difficulty in having the Neely-Pettengill Bill passed; nor should there be much delay in the passage of the Hobbs Resolution.

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### SANTA CLAUS DESERTING HOLLYWOOD

Under "Trade Views," W. R. Wilkerson says partly the following in the November 11 issue of his *Hollywood Reporter*:

"Conditions are getting tougher at the box office. A lot tougher. Grosses are dropping down and down, while production costs are hopping up and up.

"We talked to a top company executive yesterday, a man who has his fingers on the sales, who knows the grosses of all his company's big string of theatres and, because it is a big string, knows what almost every important picture is drawing. His story is almost financial tragedy.

"'Six months ago,' said our informant, 'hit pictures were hitting anywhere from 165 to 175 per cent, with 100 percent being a normal pay business. Today the hits are hardly hitting 120 per cent and all those below hit attractiveness are dipping under the pay figures—less than 100 per cent. But with this dip, production costs are still going up. The people here in Hollywood seem to have little worry. Those New York drafts continue to come into the studio to pay off the big studio load, but pretty soon, and maybe quicker than you think, some of those drafts are not going to show up, because there will be no money back in New York to pay them. And then Hollywood will awaken to the mess it has made of production costs.'

"We were stunned by these remarks and, although not having any reason to doubt our informant, we started phoning several important picture centers throughout the country. The story we got from the top theatre men in those sections was even worse than the news that had caused the phoning.

"If conditions are that bad, if the old b.o. has sagged to a losing figure, if some of the big companies are in trouble (and we know two that positively are) is it any wonder that so few pictures are actually in production today and fewer in preparation than in many years, and the production outlook worse than we here in Hollywood can imagine? New York offices have been wig-wagging frantically to the studios, but for some reason the studios have not believed them. But now the thing has begun to sink in, necessitating a readjustment.

"If any of you doubt the above and have exhibitor contracts, check for yourself. The studios are too frightened to tell you, or are so stunned with the gradual drop in attendance that they have taken the news in silence. And, too, maybe they think the condition will be quickly remedied.

"But believe you us, this picture business is getting into trouble. And this is not a calamity howl."

Mr. Wilkerson is telling the truth when he says that the bottom of the picture business dropped out. While I was in Hollywood recently, a number of picture executives were inquiring of me about business conditions throughout the country; they were greatly worried.

I thought of reproducing Mr. Wilkerson's observations so that those of you who have not yet bought either all or part of your 1937-38 season's pictures may pay the kind of prices that suit the prevailing conditions.

### SHOULD YOU RAISE YOUR ADMISSION PRICES?

There has been considerable talk lately about raising the admission prices to a higher level.

About one and one-half years ago this paper advocated the raising of the admission prices, because at that time the prices were too low; they were the result of the depression, and since conditions had improved Harrison's Reports felt that the exhibitors should receive some benefit from the improvement. But now it sees no reason why there should be a further raise. To raise the admissions to a higher level would put moving picture entertainment on the luxury class. And that would cause thousands of low-paid wage earners to stay away from the theatres.

Adolph Zukor, Joseph Schenck, and other first-rank picture executives have advocated an admission price increase on the ground that pictures are costing more now than at any other time in the history of the picture business; consequently the producer must have more money to enable him to produce high-grade pictures. This paper wishes to inform you that pictures today cost more, not because more money is put into them, but because there is a greater waste in production. There is no reason whatever why a "flop" such as "High, Wide and Handsome" should have cost \$1,900,000; only incompetence and ignorance of story values could have brought about such a result. The same is true of a dozen other high-cost pictures.

In Hollywood today ability is sidetracked and incompetence is rewarded. Just lately a director produced a \$1,900,000 failure and he was given a new contract for \$7,500 a week, much more than what he was getting. And this is only one case; one could fill a volume with similar cases.

If you should raise your admission prices, you will encourage extravagance and waste, besides

#### "Farewell Again"

(London Films-United Artists, Oct. 8; time, 83 min.)

Despite good performances, this British-made melodrama is not suitable for American audiences. For one thing, the actors are not very well known here; and, for another, their accents are so thick that at times one cannot understand what they are saying. The story, too, is not the type to appeal much to Americans. It revolves around English army life, most of the action taking place aboard a British troop transport bound for England from India. The fact that the English Admiralty cooperated with London Films in the production gives it an authentic flavor; but this is not enough to hold one's attention. The average audience may find it difficult to follow the story, for there are many by-plots, involving several persons. The soldiers, who had been looking forward to their vacation in England after five years active service in India, are told that they had been ordered to the Near East, and would be permitted only a six hour leave in Southampton. The action then shows what happens to the different characters during those six hours.

Wolfgang Wilhelm wrote the story, and Ian Hay, the dialogue. Tim Whelan directed it, and Erich Pommer produced it. In the cast are Leslie Banks, Flora Robson, Patricia Hilliard, Sebastian Shaw, Anthony Bushell, and others.

Suitability, Class A.

#### "Paid to Dance" with Don Terry and Jacqueline Wells

(Columbia, November 4; time, 55 min.)

A good program racketeer melodrama, suitable particularly for theatres that cater to the rougher type of audience. Although the story is patterned along familiar lines, one is held in tense suspense because of the constant danger to the hero and the heroine; in addition, the action is fast. Followers of this type of entertainment should be thrilled with the many fist fights in which the hero engages. The love interest is just hinted at:—

Don Terry, a G-Man, is assigned to the case of tracking down the gang responsible for the disappearance and death of many girls. His investigations lead him to the owner of a dance hall, whose hostesses were virtual prisoners—that is, once they signed a contract with him, there was no way by which they could leave. Jacqueline Wells, Terry's assistant, takes a job at the dance hall as a hostess, her purpose being to try to find out who the leader was. Terry, in turn, opens an agency in direct competition with the dance hall. By a ruse, he leads the dance hall owner to believe that he had powerful political influence; in that way he becomes a member of the gang. But eventually the gang finds out who Terry and Miss Wells were, and they attempt to kill them. The police arrive in time to prevent their murder and to round up the gang, including the leader, who was supposed to be an upright civic worker. The case finished, Miss Wells decides to marry Terry.

Leslie T. White wrote the story, and Robert E. Kent, the screen play; C. C. Coleman, Jr. directed it, and Ralph Cohn produced it. In the cast are Rita Hayworth, Arthur Loft, Paul Stanton, Paul Fix, and others.

Not suitable for children. Adult fare, Class B.

#### "Swing It Sailor" with Wallace Ford and Isabel Jewell

(Grand National, November 5; time, 62 min.)

A trite plot and slow-moving action make this mediocre entertainment. The characters portrayed are so insipid that one has no interest in them. For instance, the hero is shown as being an egotist and a parasite; the only commendable act on his part occurs in the closing scenes, where he risks his life to save his pal. But this comes too late to have any effect on the spectator; in addition, it is brought about in so unbelievable a mamner that the audience should be amused instead of thrilled. The romantic affairs of the hero and his pal tend to bore one:—

Wallace Ford (hero), a sailor in the U. S. Navy, makes it his business to see that his sailor pal (Ray Mayer) does not marry, because he did not want him to leave the Navy. Mayer is blind to the fact that Ford had been using him for many years to fight his battles, to do his dirty work, and to pay his bills. When Ford realizes that Mayer was serious about marrying Isabel Jewell, a gold-digger, he de-

cides to take matters into his hands. He makes Miss Jewell believe he was in love with her, thus succeeding in getting her to give up Mayer. Mayer finds out about this and is enraged. While making repairs on a target ship used in aerial bombing practice, Mayer is knocked out and, unknown to the other sailors, is left on the ship. Ford risks his life by swimning to the ship and rescuing Mayer; this brings about a reconciliation between the friends. In the meantime, Miss Jewell marries some one else.

Clarence Marks and David Diamond wrote the original screen play; Raymond Cannon directed it, and Dave Diamond produced it. In the cast are Mary Treen, Cully Richards and Tom Kennedy.

Suitability, Class B.

#### "Some Blondes Are Dangerous" with Noah Beery, Jr., William Gargan and Nan Grey

(Universal, November 28; running time, 64 min.)

Moderately entertaining program fare. The story upon which this was based has been used so often that by the time the first reel is over the spectators know just what is going to happen. As entertainment, it should find favor mostly with men who enjoy watching prize-fights, for the bout scenes are the most exciting. Otherwise, there is not much to hold the spectator's attention, because the familiar plot tends to bore one. Although the hero is presented as being somewhat stupid, one feels some sympathy for him when he innocently becomes involved with a gold-digger:—

Through the expert management of William Gargan, Beery becomes a well-known boxer. When he refuses to follow orders during a fight, Gargan is enraged and threatens to break their contract. Gargan warns Beery against Dorothea Kent, a gold-digger, but Beery thinks he knows best and that she is an honest person. This forces Gargan actually to break the contract. Beery neglects Nan Grey, who loved him and desired to help him. On the night of an important fight, Beery finds out what type of person Miss Kent really was. His opponent, another protege of Gargan's, beats him. At first he is unhappy; but he is consoled when he receives a visit from Gargan and Miss Grey. The three friends are reconciled.

William R. Burnett wrote the story, and Lester Cole, the screen play; Milton Carruth directed it, and E. M. Asher produced it. In the cast are Rowland Drew, Polly Rowles, and others.

Suitability, Class B.

#### "Borrowing Trouble" with Jed Prouty

(20th Century-Fox, December 10; time, 591/2 min.)

The Jones Family again provide an hour's entertainment that is up to the excellent standard set for this series. One has become so familiar with the different members of the family that by this time one almost feels as if they were a real family; it is for this reason that one takes a personal interest in their affairs. In this version there is some good comedy and deep human appeal. This is brought about by the family's "big-brother" interest in Marvin Stephens, a tough youngster who had become acquainted with George Ernest, one of the Jones boys. The actions of the different members of the family in trying to make of Marvin a well mannered person are at times amusing and at other times touching, because of Marvin's response to his helpers. One feels deep sympathy for Marvin when he tries to shield his big brother, who had been forced to join two crooks in robbing the drugstore belonging to Jed Prouty (Mr. Jones); he is willing to take the blame himself rather than involve his brother. But Marvin is not the only person who causes excitement; Shirley Deane, the older daughter, upsets the household with her wedding arrangements. The closing scenes are extremely comical; the ceremony is interrupted when Marvin learns that the crooks who had held up the drugstore were trying to leave town by aeroplane. The entire family, including the Judge who was to perform the ceremony, and the police, rush to the landing field and capture the criminals. Thus Marvin's name is cleared. The marriage ceremony is completed at the field.

Robert Chapin and Karen DeWolf wrote the original screen play; Frank R. Strayer directed it, and Max Golden produced it. In the cast are Russell Gleason, Kenneth Howell, June Carlson, Florence Roberts, and others.

#### "Dinner at the Ritz" with Annabella, Paul Lukas and David Niven

(New World-20th Century-Fox, Nov. 26; time, 77 min.)

This English-made melodrama is good class entertainment. It has several points in its favor: first, the excellent performances by the three leading players; secondly, the extremely lavish production, and thirdly, the charm of Annabella, the new 20th Century-Fox star, who has glamour and personality. Despite her accent, she should become a favorite with American audiences. The action is somewhat slow in spots; but this does not detract from one's enjoyment of the picture for the story is interesting and holds one's attention throughout. It is only in the closing scenes that the action becomes exciting. One is in deep sympathy with the heroine's efforts to clear her father's name. Her romance with the hero is developed in a pleasant manner:—

Annabella, daughter of a bank president, and engaged to Paul Lukas, a titled millionaire, is shocked at her father's death. The officials declare it suicide, but Annabella feels certain that her father would not have been so cowardly and that he must have been murdered. His death naturally causes a panic in the bank, bringing losses to the middle-class stockholders. Annabella sells all her belongings to help repay some of the losses. She breaks her engagement to Lukas, and sets out to find the men responsible for her father's death. In order for her to carry out her plans, she accepts from a diamond dealer a position to pose as an impoverished Spanish noblewoman, wear his jewels, and then lose at roulette so as to be compelled to sell the jewels. Her work brings her in contact with a newspaper reporter (Romney Brent), who recognizes her, and decides to help her. She meets David Niven, a young British diplomat; he is charmed by her, not realizing that she was the same girl he had met but once and had fallen in love with; she loves him, too. Her efforts are not in vain. After finding out who Annabella really was, Niven is determined to help her. With the aid of Brent, he discovers that Lukas had killed Annabella's father because he had found out that he, Lukas, and a ring of financiers had looted the bank. Lukas is killed in a gun fight. Niven, by a ruse, compels the other financiers to return the money they had stolen so as to repay the stockholders. He then proposes to Annabella and is accepted by her.

Roland Pertwee and Romney Brent wrote the original screen play; Harold D. Schuster directed it, and Robert T. Kane produced it. In the cast are Francis L. Sullivan, Stewart Rome, and others.

Since Lukas is not shown murdering the father it is suitable for all. Class A.

#### "Hold 'Em Navy" with Lew Ayres, Mary Carlisle and John Howard

(Paramount, November 5; time, 63½ min.)

A fairly good program football picture, with the Annapoplis Naval Academy as the background. The games are exciting enough to please the football fans. Although pictures depicting life at Annapolis have been shown before, this one holds one's attention because of the human and comical way in which it is presented. Another thing in the picture's favor is the fact that for the first time a producer has refrained from using the trite situation of having the hero win the big game in the last minute of play; as a matter of fact, the hero does not even appear in the game. The characters are all pleasant:—

When Lew Ayres first enters Annapolis as a student, he does not win friends because of his cocky manner. But they respect him for his ability as a football player. The person Ayres dislikes most is John Howard, an upper classman, who tries to knock the conceit out of him. Ayres makes a bet with his roommate that he could win Mary Carlisle, Howard's girl, for himself; he finds this easy since Miss Carlisle showed an interest in him. In his second year, Ayres changes somewhat and is affected by the traditions at Annapolis. He becomes embittered again when Howard reports him for having stayed out late, thus keeping him out of an important game, which the Navy loses. To add to his troubles, Miss Carlisle finds out about the bet and refuses to see him. He forgets his grudges, however, when Howard jeopardizes his chance of playing in the big game by staying out late; Ayres pretends that it was he, and not Howard, who had been out. The boys, realizing the sacrifice Ayres had made by killing his own chances to play, decide to win for his sake. This makes him very happy for he felt that at last he "belonged." Miss Carlisle forgives Erwin Gelsey and Lloyd Corrigan wrote the original screen play, and Kurt Neumann directed it. In the cast are Elizabeth Patterson, Benny Baker, and others.

Suitability, Class A.

#### "Forty-Five Fathers" with Jane Withers, Thomas Beck and Louise Henry

(20th Century-Fox, November 26; time, 70½ min.)

This should, not only delight the Jane Withers fans, but entertain others as well. There are many situations that provoke hearty laughter, such as the one in which Jane is shown taking a lesson in classical dancing, against her wishes. Jane is given excellent assistance by a team new to motion picture goers, known as The Hartmans, who do tricks and comedy dancing; when the three are together, something amusing always happens. The action is fast, ending in a hilarious manner in a court room scene, where The Hartmans, by making use of their talents as ventriloquists, disrupt the trial. Ther is also human appeal:—

Orphaned Jane returns to the United States as the ward of "The Spear and Gun Club," of which her father, a hunter, had been a member. The members draw lots as to which one should adopt her and Richard Carle is the lucky man. He takes her to the home of his wealthy nephew (Thomas Beck), where he lived, explaining to Beck how he came to get Jane. Beck, being good-natured, welcomes Jane, who in time learns to adore him. Knowing that Louise Henry, their next-door neighbor, was a gold-digger, Jane prevents Beck from eloping with her. This so displeases him that he orders Carle to leave the house and to take Jane with him. Jane, instead, runs away with The Hartmans. When Miss Henry serves Beck with papers in a breach of promise suit, he realizes that Jane had been right. He tries to find her, but in vain. Jane, disguised as a boy, goes to the courtroom with The Hartmans on the day of the trial. The Hartmans, by ventriloquizing, make it appear as if the witnesses were talking. This so unnerves Miss Henry that she unwittingly gives away her gold-digging schemes; the case is, therefore, dismissed. Jane is happily reunited with Beck and Carle.

Mary Bickel wrote the story, and Frances Hyland and Albert Ray, the screen play; James Tingling directed it, and John Stone produced it. In the cast are Andrew Tombes, Nella Walker, and others.

Class A.

#### "The Barrier" with Leo Carrillo, Jean Parker, James Ellison and Robert Barrat

(Paramount, Nov. 12; running time, 85 min.)

Very good! It is on a par with the silent version produced by Rex Beach Productions in 1917, and far better than the MGM version, produced in 1926. There is deep human interest in many of the situations. One of such situations is where Leo Carrillo, as Poleon, a French Canadian, is shown practicing a love speech, supposedly the kind that would be delivered by James Ellison, a Lieutenant, commander of the post (hero), to Robert Barrat, father of Jean Parker (heroine): because Leo himself was secretly in love with Jean, he pours his heart out in the speech. Another such situation is where Barrat, hunted by the law for a crime he had not committeed but could not disprove, relates to the Lieutenant the facts about his past life, revealing the fact that Jean Parker was not his daughter, that she was white and not half-breed, as she was supposed to be, and that he had not killed the woman (mother of Jean Parker) he was supposed to have killed, whom he loved with all his heart (she had taken her own life, unwilling to live with Otto Kruger, her husband, any longer), and that he had reared Jean Parker as he would have reared his own daughter, because she was the daughter of the woman he had been worshipping, but who had married Otto Kruger, because he didn't have the courage to confess his love to her. Still another is in the closing scenes, where Leo Carrillo goes away, leaving behind the girl he loved to marry the man she loved; this situation is heart-breaking.

The picture was photographed on location, and the natural scenery is beautiful. The acting of all is commendable.

The plot has been founded on the Rex Beach novel which unfolds in the gold-rush days; it was put in screen-play form by Bernard Schubert. Lesley Selander directed it, and Harry Sherman produced it. Others in the cast are Joe Kerrigan, Andy Clyde, Addison Richards, Sara Haden, Sally Martin, Fernando Alvarado and Alan Davis.

Good for the family-Class A.

doing a disservice to the public. You may add to Hollywood's income one hundred per cent, but you will never be able to put an end to the demand for more.

Harrison's Reports suggests that, in mulling over the question whether you should or should not increase your admission prices, you take into consideration the interests of the public and of yourself first, and of the producers' afterwards.

## MINNEAPOLIS ZONE SETTLES STRIKE AGAINST PARAMOUNT

After the Philadelphia zone, the Minneapolis zone has settled the strike against Paramount, for Mr. W. A. Steffes, the President of the exhibitor organization in that territory, found the Philadelphia terms satisfactory, and as meaning victory for the striking exhibitors.

The settlement was brought about by a conference between Mr. Steffes and Charles M. Reagan, Paramount division manager, and the terms, when submitted to an organization meeting, called for the purpose, were ratified by the members.

The strike in Milwaukee has not yet been settled; the organization leaders there have not found the settlement terms satisfactory, but this paper has no doubt that a meeting between them and some Paramount representative authorized to have a talk with them will bring about peace. And with peace brought about in these three zones, peace will undoubtedly be brought about also in all the other zones where the organizations sponsored a general play-date and buying strike.

What seems to be bothering the Milwaukee exhibitors is the fact that Paramount has not agreed to deliver "Souls at Sea" and "High, Wide and Handsome." As a matter of fact, they should rejoice instead of feeling discontented, because, even though "Souls at Sea" is drawing very well, because of Gary Cooper (primarily) and George Raft (secondarily), it is not an entertaining picture, and "High, Wide and Handsome" is poor, not only as an entertainment but also as a moneymaker.

As said in earlier issues, the exhibitors have come out winners in this strike, even if they have not won all the points they had struck for, because it has demonstrated to them as well as to the entire industry what unity among the exhibitors can do. The Paramount fight has been won even though only a small number of the zones went on strike; you may imagine what can be done in putting an end to other distributor abuses if a strike should have the support of the exhibitors of even one-half of the zones.

This paper suggests to the exhibitor leaders of the other zones where a strike has been called to use their efforts to bring about peace, for the Paramount representatives seem to be making a sincere effort to satisfy the exhibitors, and there is no point in keeping up the strike any longer. By bringing about peace, they will demonstrate to the industry that, what has inspired the strike was, not hotheadedness, but real grievances, and that when the producer meets them even half way they can be satisfied. By so doing they will win greater respect in the industry.

## THE MGM BROADCASTS AND WHAT YOUR ATTITUDE SHOULD BE

Every one of you knows by this time, I am sure, that, on Thursday evening, November 4, Metro-Goldwyn-Mayer began a permanent series of broadcasts in which its best stars take part.

Those of you who made a comparison of that Thursday's business, and of the two Thursdays' that have followed since, with the business of previous Thursdays have undoubtedly noticed the sudden drop.

That a leading film company should be instrumental in becoming a picture theatre business destroyer for one night in the week is certainly most discouraging. It has given as an excuse the enhancement of the popularity of its players, an enhancement which, as some of its executives assert, will more than offset the losses of the theatres on Thursday nights.

But is this so? Every exhibitor knows what happens if on one of the two or the three nights in which he shows the picture of a popular star it should happen to rain, or to snow: the loss cannot be recovered on the succeeding nights. Such will be the case with the business lost on the nights the Metro program is on the air.

That the picture-going public will stay at home on the night of the broadcast may be evidenced by the unwittingly made statement of the MGM announcer himself, on the night of the first broadcast. He said: "Now you can stay in the comforts of your home and hear the MGM stars." (It is not the exact wording, but it is the exact sense.)

In a statement issued by the Cleveland exhibitor association, Mr. Louis B. Mayer was taken to task, as the sponsor of the broadcast idea. This paper is in possession of authentic information to the effect that the broadcast idea was conceived, not by Mr. Mayer, but by Al Lichtman, the MGM executive who once, when general manager of United Artists, proposed the "exclusive showing" of pictures, which idea proved such a "dud." As a matter of fact, Mr. Mayer, according to my informant, was opposed to the idea altogether.

There are other MGM executives who, as I understand, are opposed to this broadcasting.

From letters received and personal talks had, the consensus of opinion among exhibitors is that this broadcast should be stopped, for unless it is stopped other producers will start similar broadcastings, on different nights, for it is natural that they will not let MGM get away with this type of publicity; they themselves would want to "cash in."

This paper urges the exhibitor leaders, particularly those of Philadelphia, to send a committee to New York to attempt to convince the MGM executives of the havoc wrought to the picture business by this broadcast. They should insist particularly that the leading executives of the theatre department of this company be invited to the conference to be sounded out whether they are or are not in favor of this mode of publicity, for I feel that they are opposed to it—no sane theatre heads, operating the number of theatres they operate, could ever be in sympathy with the Lichtman idea.

The exhibitors should take as strong a position in this matter as they took in the Paramount matter.

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Beginning of 1937-38 Season  801 Big City—Rainer-S. Tracy-Beecher	7105 Public Cowboy No. 1—Autry (62 m.)
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United Artists Features	Columbia—Two Reels
(729 Seventh Ave., New York, N. Y.)  Beginning of 1937-38 Season  Dark Journey—Conrad Veidt-Vivien Leigh July 2	8125 Man of Mystery—Jungle No. 5 (21½ m.) Sept. 29 8422 Calling All Curtains—All Star (16 m.) Oct. 1 8126 Shanghaied—Jungle No. 6 (21 m.) Oct. 6
Knight Without Armor—Dietrich-DonatJuly 23 Stella Dallas—Stanwyck-Boles-Shirley-HaleAug. 6	8127 Tiger Eyes—Jungle No. 7 (21½ m.) Oct. 13 8402 Playing the Ponies—Stooge (17 m.) Oct. 15 8128 Frameup—Jungle No. 8 (20 m.) Oct. 20
Dead End—Sidney-McCrea-Bogart-BarrieAug. 27 Prisoner of Zenda—Colman-Carroll-AstorSept. 3	8129 Cave of Mystery—Jungle No. 9 (20½ m.)Oct. 27 8423 Gracie At the Bat—All Star (17½ m.)Oct. 29
Vogues of 1938—Baxter-J. Bennett-Vinson Sept. 17 Farewell Again—Banks-Robson (83 m.) (re.) Oct. 8 Stand-In—Howard-Blondell-Bogart (reset) Oct. 29	8130 Flirting With Death—Jungle 10 (20½ m.) Nov. 3 8131 The Ship of Doom—Jungle No. 11 (19½ m.) Nov. 10
Murder on Diamond Row—Ed. Lowe-T. Desni Nov. 12 52nd Street—Baker-Patterson-Pitts (reset) Nov. 19	8424 Oh What a Knight—All Star (17½ m.) Nov. 12 8132 Mystery Island—Jungle No. 12 (19½ m.) Nov. 17 8133 The Typhoon—Jungle No. 13 (20 m.) Nov. 24
Nothing Sacred—Lombard-March	8403 The Sitter-Downers—Stooge comedyNov. 26 8134 Murder at Sea—Jungle No. 14Dec. 1
("I Met My Love Again," listed in the last Index as an October 22 release, has been postponed)	8135 Give 'Em Rope—Jungle No. 15
Universal Features	<del></del>
(1250 Sixth Ave., New York, N. Y.)	Metro-Goldwyn-Mayer—One Reel 1936-37 Season
1936-37 Season A1009 Love in a Bungalow—K. Taylor-N. Grey. June 27	M-530 The Boss Didn't Say Good Morning— Miniatures (10 min.)
A1016 I Cover the War—Bartley-Gaze-Wayne July 4 A1008 Westbound Limited—Talbot-RowlesJuly 11 A1005 The Road Back—Summerville-KingAug. 1	S-567 Jungle Juveniles—Pete Smith (9 m.)Oct. 2 S-568 Romance of Radium—Pete Smith (10 m.) .Oct. 23 (more to come)
A1006 Reported Missing—Gargan-RogersAug. 15  (more to come)	Beginning of 1937-38 Season
1937-38 Season	T-651 Glimpses of Peru—Traveltalk (8 m.) Sept. 4 F-751 How To Start the Day—Benchley (10 m.) Sept. 11
A2026 Carnival Queen—Wilcox-KentOct. 3 A2051 Law for Tombstone—Buck Jones (59 m.)Oct. 10	C-731 Framing Youth—Our Gang (11 m.) Sept. 11 T-652 Stockholm, Pride of Sweden—Travel. (9m) Oct. 2 H-721 The King Without a Crown—Historical
A2037 Idol of the Crowds—Wayne-BromleyOct. 10 A2020 Trouble at Midnight—Beery, Jr. (68 m.)Oct. 17 A2034 That's My Story—Morgan-Lundigan (re.) Oct. 24	MysteriesOct. 9 C-732 Pigskin Palooka—Our Gang (11 m.)Oct. 23
A2024 The Westland Case—Foster-HughesOct. 31 A2015 A Girl with Ideas—Barrie-PidgeonNov. 7	T-653 Chile, Land of Charm—Travel. (9 m.)Oct. 30 F-752 A Night at the Movies—BenchleyNov. 6 S-701 Decathlon Champion—Pete Smith (10 m.) Nov. 20
A2006 Merry Go Round of 1938—Lahr (reset) Nov. 14 A2012 Boss of Lonely Valley—B. Jones (59 m.) Nov. 14	T-654 Copenhagen—Traveltalks (9 m.)Nov. 27
A2018 Some Blondes Are Dangerous—Gargan Nov. 28 A2054 Courage of the West—Bob Baker (57 m.) .Dec. 5 A Prescription for Romance—Barrie Dec. 5	Metro-Goldwyn-Mayer—Two Reels 1936-37 Season
A2036 Adventure's End—John Wayne (63 m.)Dec. 12	P-415 Give Till It Hurts—Crime Doesn't Pay
Warner Bros. Features	(20 min.)
(321 W. 44th St., New York, N. Y.) The Great Garrick—Aherne-DeHavillandOct. 30	P-416 Behind the Criminal—Crime (21 m.)Oct. 30 (End of 1936-37 Season)
208 It's Love I'm After—Howard-Davis	Beginning of 1937-38 Season C-413 Beau Hunks—Laurel-Hardy (reissue)
201 Tovarich—Colbert-Boyer-Rathbone Dec. 25	(37 min.)
SHORT SUBJECT RELEASE SCHEDULE	C-241 The Perfect Day—Laurel-Hardy (reissue) (20 min.)
Columbia—One Reel	Paramount—One Reel
7516 Swing Monkey Swing—C. Rhap. (7½ m.) .Sept. 10 7863 Screen Snapshots No. 13—(10 min.) Sept. 10	T7-2 Service with a Smile—Boop (7 min.) Sept. 24 Sc7-1 Whispers in the Dark—S. Song (7 m.) Sept. 24
(End of 1936-37 Season)	A7-3 Hula Heaven—Headliner (10 m.) Oct. 1 P7-3 Paramount Pictorial No. 3—(9½ m.) Oct. 1
Beginning of 1937-38 Season  8651 Community Sing No. 1—(9½ m.)	V7-3 Cowboy Shorty—Paragraphics (9½ m.)Oct. 8 R7-3 Four Smart Dogs—Sportlight (9½ m.)Oct. 8
8901 Drugstore Follies—Bway. Follies (11 m.)Sept. 3 8751 Canine Capers—Scrappys (6½ m.)Sept. 16 8601 Little Jack Horner—Strange As It Seems	L7-2 Unusual Occupations No. 2—(10½ m.)Oct. 8 E7-3 The Football Toucher Downer—Popeye (6½ min.)Oct. 15
(10½ min.)	T7-3 The New Deal Show—Boop cart. (6½ m.) Oct. 22 A7-4 Hollywood Star Reporter No. 2—Headliner (10 min.)
8801 Trodding Thoroughbreds—Sport Thrills (10½ min.)	V7-4 The Inventor—Paragraphics (10½ m.) Nov. 5
8752 The Fire Plug—Scrappys (6 m.)Oct. 9 8551 City of Golden Gate (Beautiful Bermuda)—	P7-4 Paramount Pictorial No. 4—(9½ m.) Nov. 5 R7-4 Pick Your Favorite—Sportlight (9½ m.) Nov. 5 J7-2 Popular Science No. 2
Around World Color (10 m.) (re.) Oct. 10 8653 Community Sing No. 3—(10½ min.) Oct. 15 8852 Screen Snapshots No. 2—(9½ min.) Oct. 15	A7-5 From the Minuet to the Big Apple—Headliner (10 min.)
8/53 The Clock Goes Round and Round—Scrappys (6½ min.)Oct. 19	E7-4 Protek the Weakerist—Popeye (7½ m.) Nov. 19 T7-4 The Foxy Hunter—Betty Boop (7 m.) Nov. 26 Sc7-2 Magic on Broadway—Screen song Nov. 26
8501 The Air Hostess—Color Rhap. (7½ m.)Oct. 22 8502 Little Match Girl—Color Rhap. (8½ m.)Oct. 27	EE6-2 Popeye the Sailor Meets Ali Baba's Forty Thieves—Special
8802 Set 'Em Up—Sport Thrills Oct. 29 8903 Timberland Revels—Bway. Follies Nov. 5	V7-5 Tuna—Paragraphics (9½ m.) Dec. 3 P7-5 Paramount Pictorial No. 5 Dec. 3

RKO-One Reel	Beginning of 1937-38 Season	NEWSWEEKLY
Beginning of 1937-38 Season	A2384 Stranger Than Fiction No. 40 (8½ m.) Sept. 6 A2385 Stranger Than Fiction No. 41 (9 m.)Oct. 4	NEW YORK RELEASE DATES
84401 A Frozen Affair—Condor mus. (10 m.)Aug. 27 84601 Pathe Parade—(13 m.)	A2271 Love Sick—Oswald cartoon (7½ m.)Oct, 4 A2272 Keeper of the Lions—Oswald (7 m.)Oct. 18	Universal 615 Wednesday Nov. 17
84201 Rhythm in a Night Court—Nu-Atlas (10m) Sept. 24 84101 Hawaiian Holiday—Disney cart. (8 m.) Sept. 24	A2386 Stranger Than Fiction No. 42 (9 m.) Nov. 1 A2371 Going Places with Thomas No. 40 (9 m.) Nov. 1	616 Saturday Nov. 20 617 Wednesday Nov. 24
84403 Prairie Swingaroo—Musical (10 m.) Oct. 15 84102 Clock Cleaners—Disney Cart. (8 m.) Oct. 15	A2273 Mechanical Handy Man—Oswald (8 m.) Nov. 8 A2274 Football Fever—Oswald (7 m.)	618 Saturday Nov. 27 619 Wednesday Dec. 1
84602 Pathe Parade	A2372 Going Places with Thomas No. 41 (8½ m.) Nov. 15 A2373 Going Places with Thomas No. 42 (9 m.) Nov. 22	620 SaturdayDec. 4 621 WednesdayDec. 8
84202 Phony Boy—Nu-Atlas com. (11 m.) Nov. 19 84104 Pluto's Quintuplets—Disney (9 m.) Nov. 26	A2387 Stranger Than Fiction No. 43 (9 m.) Nov. 29  Universal—Two Reels	622 SaturdayDec. 11 623 WednesdayDec. 15
84105 Donald's Ostrich—Disney (9 m.)Dec. 10	A2684 The Indians Are Coming—Wild 4 (21 m.) July 26	624 SaturdayDec. 18 625 WednesdayDec. 22
RKO—Two Reels  Beginning of 1937-38 Season	A2685 The Leap for Life—Wild No. 5 (21 m.) Aug. 2 A2686 Death Stalks the Plains—Wild 6 (20 m.) Aug. 9	626 SaturdayDec. 25 627 WednesdayDec. 29
83101 March of Time No. 1—(18 min.)Sept. 3	A2687 Six-Gun Law—Wild No. 7 (21 min.)Aug. 16 A2688 The Gold Stampede—Wild 8 (21 m.)Aug. 23	Fox Movietone
83701 Should Wives Work—L. Errol (20 m.) Sept. 10 83401 Morning Judge—E. Kennedy (17 m.) Sept. 24 83102 March of Time No. 2—(20 m.) Oct. 1	A2689 Walls of Fire—Wild No. 9 (21 min.) Aug. 30 A2159 Hollywood Screen Test—Special (21 m.) Aug. 30	19 Wednesday Nov. 17 20 Saturday Nov. 20
83601 Trailing Along—Headliner (16 m.) Oct. 8 83201 Many Unhappy Returns—Rad. Flash (17m.) Oct. 22	A2690 The Circle of Doom—Wild No. 10 (21 m.) Sept. 6 A2161 Hawaiian Capers—Mentone (17 m.) Sept. 8 A2691 The Thundering Herd—Wild, No. 11 (21 m.) Sept. 13	21 Wednesday Nov. 24 22 Saturday Nov. 27
83103 March of Time No. 3—(19 m.) Oct. 29 83702 A Rented Riot—Leon Errol (17 m.) Nov. 5	A2692 Rustlers and Redskins—Wild, No. 12 (20m) Sept. 13 A2693 The Rustlers Roundup—Wild, No. 13 (20m) Sept. 27	23 WednesdayDec. 1 24 SaturdayDec. 4
83402 Edgar and Goliath—Kennedy (17 m.) Nov. 19 83104 March of Time No. 4 Nov. 26	A2781 A Million Dollar Murder—Radio Patrol No. 1 (20 min.)	25 WednesdayDec. 8 26 SaturdayDec. 11
83501 Harris in the Spring—Phil Harris (20 m.)Dec. 3 83301 Rhythm Ranglers—Smart Set (19 m.)Dec. 17	A2162 Teddy Bergmans Bar-B-Q—Men. (19 m.) Oct. 6 A2782 The Hypnotic Eye—Radio No. 2 (21 m.) Oct. 11	27 WednesdayDec. 15 28 SaturdayDec. 18 29 WednesdayDec. 22
	A2783 Flaming Death—Radio No. 3 (21 m.)Oct. 18 A2784 The Human Clue—Radio No. 4 (19 m.)Oct. 25	30 SaturdayDec. 25 31 WednesdayDec. 29
Twentieth Century-Fox—One Reel	A2785 The Flash of Doom—Radio No. 5 (20 m.) Nov. 1 A2163 Show For Sale—Mentone (21 m.)Nov. 3	Paramount News
Beginning of 1937-38 Season 4701 Portraits of Portugal—Rd. to Rom. (10 m.) Aug. 6	A2786 House of Terror—Radio No. 6 (21½ m.) Nov. 8 A2787 Claws of Steel—Radio No. 7 (20 m.) Nov. 15	30 Wednesday Nov. 17 31 Saturday Nov. 20
2601 Bone Bender Parade—Adv. Camera. (11½m) Aug. 6 8902 Pot Luck—Song comedy hit (11½ m.) Aug. 6	A2788 The Perfect Crime—Radio No. 8 (19 m.) Nov. 22 A2789 Playthings of Disaster—Radio No. 9 (19m) Nov. 29	32 Wednesday Nov. 24 33 Saturday Nov. 27
8601 How to Ski—Treasure Chest (11 m.)Aug. 20 8501 Trailer Life—Terry-Toon (6½ m.)Aug. 20	A2164 All Aboard—Mentone (17 m.) Dec. 1 A2790 A Bargain With Death—R. No. 10 (19 m.) Dec. 6	34 WednesdayDec. 1 35 SaturdayDec. 4
4702 Mexican Mural—Road to Romance (9 m.)Sept. 3 2602 Motor Maniacs—Adv. Camera. (10 m.)Sept. 3	A2791 The Hidden Menace—Radio No. 11 (20 m.) Dec. 13	36 WednesdayDec. 8 37 SaturdayDec. 11
		20 337-1
8502 The Villain Still Pursued Her—TT. (6½m) Sept. 3 8602 Private Life of the Gannets—T. C. (10½ m.) Sept. 10	Vitaphone—One Reel	38 WednesdayDec. 15 39 SaturdayDec. 18
8602 Private Life of the Gannets—T. C. (10½ m.) Sept. 10 8503 Kiko's Cleaning Day—T. Toon (6½ m.) Sept. 17 8901 The Big Apple—A. Murray dancers (9 m.) .Sept. 17	Beginning of 1937-38 Season	39 SaturdayDec. 18 40 WednesdayDec. 22 41 SaturdayDec. 25
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#### ARRISON'S KEPO

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#### 1270 SIXTH AVENUE Room 1812

New York, N. Y.

A Motion Picture Reviewing Service Devoted Chiefly to the Interests of the Exhibitors

Its Editorial Policy: No Problem Too Big for Its Editorial Columns, if It is to Benefit the Exhibitor.

Harrison's Reports, Inc., Publisher

P. S. HARRISON, Editor

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CIrcle 7-4622

#### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XIX

SATURDAY, NOVEMBER 27, 1937

No. 48

#### THE EFFECTS OF THE WEEKLY MGM BROADCASTS

It has happened, just as Harrison's Reports foresaw in last week's editorial that it would happen: As a result of the MGM lead, Warner Bros. has contracted for fifty-two weekly broadcasts, under the sponsorship of American Tobacco Company.

The effects of the MGM broadcasts are already apparent: reports from exhibitors in different parts of the country state that business on Thursday nights is dead.

Why shouldn't it be? When people can get fine entertainment for nothing, given by their favorite screen players, no one can blame them for staying "in the comforts of their home," as the MGM announcer put it on the night of the first broadcast, "and hear their favorite MGM players," instead of going, at great discomfort, to the theatres to see and hear them.

MGM owns a considerable number of theatres, in choice locations. Consequently, these theatres suffer on those nights as much as the theatres of others. One cannot understand, then, what argument Al Lichtman used to persuade the MGM executives to agree to this method of publicity.

There is almost a revolt within the industry as a result of these broadcasts; every trade paper has condemned them. For this reason, Harrison's Reports feels that the exhibitor leaders should take this matter up at once; a committee of them should come to New York to call on the MGM executives to put an end to these broadcasts.

#### LOWERING THE QUALITY OF THE **CURRENT SEASON'S PICTURES**

I don't know how many of you bought pictures with the figures based on the business done last summer and on the promises made by the producers through their announcements in the trade press as to the number of "highgrade" pictures they intended to deliver; but whatever your number, you had better be looking for a reduction of the prices and a readjustment of the terms of your contracts, for the bottom of the business has dropped out, and as a result of it the producers have decided to curtail the number of high-grade pictures they intended to produce.

Not only will they reduce the number of high-grade pictures, but also will cut down the budgets of the lower grades. This is natural, for with less money coming in they will be unable

to keep the original appropriations intact. If, for example, they intended to spend anywhere from \$250,000 to \$400,000 for their B brand, they will cut this amount by anywhere from \$50,000 to \$150,000. And with the original appropriations cut down by such an amount, the poduct will turn out to be of much inferior quality.

The B pictures have been bad enough with plenty of money to spend; imagine what they will be when the unit producers will be deprived of engaging that better player, or of that better director, or of having the director shoot the scene over again when such scene was not taken well enough.

A dispatch from Hollywood in the November 17 issue of *Variety* states partly the following:

"'Colossal' and 'stupendous' productions will be curtailed for the balance of the current season by major companies. Biz at the box office, of course, is the reason, plus the fact that distribution heads don't want to be slapped any harder than they are getting in the foreign market due to nationalistic restrictions abroad, possibilities of hostilities among these nations.

"Warners is the first to officially pull in on the 'colossal' type of productions and it was a result of this decision by Harry M. Warner that Jack Warner hurried back from Europe to readjust the WB schedule and keep production budgets geared to proportions that will coincide with box office returns. . . . '

#### COLUMBIA AGAIN USING A CLUB

From Clemson College, N. C., comes a letter to the effect that Columbia is circularizing the people of that town in an effort to have them bring pressure on Mr. P. B. Holtzendorf, Jr., manager of the local theatre, to book the Columbia product. It is the same sort of circular that was used the first time by Paramount at Mattoon, Illinois, several years ago. Columbia itself has used it before.

After praising his company's "ware," the Columbia executive who signed the circular says:

... why not get in touch with Mr. Holtzendorf and express a desire to see them? In line with his desire to provide the best in motion picture entertainment and booking arrangements permitting, Mr. Holtzendori will no doubt be glad to make it possible for you to enjoy these splendid film treats at the Y.M.C.A. Theatre.'

#### "Big Town Girl" with Claire Trevor and Donald Woods

(20th Century-Fox, December 3; time, 691/2 min.)

Fair program entertainment. Combining melodrama with comedy and music, it holds one's attention fairly well, despite a familiar story and plot inconsistencies. One is in sympathy with Claire Trevor (heroine), who tries to get away from her gangster husband (Alan Baxter), to live a decent life. The manner in which she does this is fairly amusing, for she enters into a scheme with Alan Dinehart, a go-getting publicity agent, for her to pose as a French countess, seeking a career as a singer. By wearing a wig and assuming an accent, she fools every one except Donald Woods, a reporter, who had sensed that she was playing a trick on the public. The story becomes more exciting towards the end when, in an effort to again evade her gangster husband, who had recognized her at the broadcasting studio where she was singing, she runs away. Her car breaks down; by chance she gets a lift with Woods, who was on the trail of the Countess. He does not recognize her. When the car gets stuck in the mud, they seek shelter in a house nearby. To this house comes Baxter, who, having robbed a bank and killed a policeman, was fol-lowed by the police. Finding Miss Trevor there with Woods, he thinks that Woods was the reason why she would not go away with him. His attempt to kill Woods is balked when the police arrive; in shooting it out with them, Baxter is killed. Woods finds out that Miss Trevor and the Countess were the same person. Hav-

ing fallen in love with each other, they decide to marry. Darrell Ware and Frances Whiting Reid wrote the story, and Lou Breslow, John Patrick, Robert Ellis, and Helen Logan, the screen play; Alfred Werker directed it, and Milton H. Field produced it.

The shooting makes it unsuitable for children. Harm-

less for adults. Class B.

#### "Navy Blue and Gold" with Robert Young, James Stewart, Florence Rice and Tom Brown

(MGM, November 19; time, 93 min.)

Very good! Regardless of the fact that many pictures of Annapolis have been shown, this one stands in a class by itself because of the human appeal of the story, the freshness of treatment, and the excellence of the production and of the performances. There are scenes that bring tears to the eyes, others that provoke hearty laughter, and still others that thrill one. One of the most dramatic situations is that in which James Stewart, an Annapolis student, in the presence of his classmates and instructor, makes a speech defending his father, a former naval officer, who had been unjustly accused of having neglected his duty, for which neglect he had been discharged from the Navy dishonorably. Without resorting to "hokum," it puts across its message of patriotism, simply by the natural actions of the characters. Added to all this is the excitement of the feethall, games, which are depicted thrillipsing. The refootball games, which are depicted thrillingly. The romantic interest is pleasant :-

Three room-mates at Annapolis, James Stewart, Tom Brown, and Robert Young, although different in temperament, become fast friends. Young, a sceptic, was there because he felt that with an Annapolis background he could marry an heiress; Stewart, because he had a natural and deep love for the service; and Brown, son of a millionaire, because of his football cnthusiasm and respect for the Annapolis traditions. The three make the football team and between them are responsible for many victories. Young tries to win Brown's sister (Florence Rice), but she shows a preference for Stewart, who was too bashful to make his feelings known. One day, during a class period, the instructor, by citing a specific case involving a former Naval officer, points out to the students the penalties for neglect of duty. Stewart jumps to his feet and hotly defends the maligned officer by telling the true story of the events, finally admitting that the man was his father. His future at Annapolis is jeopardized because he had not used his full name in registering. Stewart's grief brings to Young a full realization of what Annapolis really meant to a young man. The three friends are overjoyed when Stewart is reinstated and his father's name cleared. Miss Rice admits her love for Stewart.

George Bruce wrote the story and screen play, Sam Wood directed it skillfully, and Sam Zimbalist produced it. In the cast are Lionel Barrymore, Billie Burke, Samuel Hinds, Paul Kelly, Frank Albertson, and others. Good for all. Class A.

#### "Merry Go Round of 1938" with Mischa Auer and Alice Brady

(Universal, November 14; running time, 85 min.)

This comedy should go over well with the masses. It may require a little exploitation to get the crowds to the box-office for, aside from Alice Brady and Mischa Auer, the other leading players—Joy Hodges, Bert Lahr, Billy House, and Jimmy Savo, all from the stage—though they are all good performers, are not known well to picture audiences, except in large cities. Auer, Lahr, House, and Savo-each with his own brand of comedy-make a foursome that should please audiences well, for their type of clowning is somewhat different; in spots it is extremely comical. As for Joy Hodges, she has an excellent voice and a pleasing personality. Most of the comedy is provoked in the second half, when the four friends think of schemes to impress Alice Brady so as to gain her consent to her nephew's marriage to Miss Hodges, their ward. The romance is pleasant:-

House, Lahr, Savo, and Auer, a vaudeville team, adopt the baby of another performer, who had been killed in an accident. For twenty years they watch over the girl, who grows up adoring her guardians. She had a good voice and loved working at a night club. Knowing that her guardians were broke, she turns down the marriage proposal of wealthy John King because she felt she could not desert her friends. In order to insure her happiness, they pretend that they had received an offer from Hollywood. To their joy they actually do receive such an offer. While on their way to Hollywood they read a newspaper item saying that Miss Hodges had broken the engagement. They rush to her side, and learn that the reason for the break was that Miss Brady, King's aunt, did not approve of an actress. House, by dressing in female attire, poses as a titled English lady, aunt to Miss Hodges. Auer poses as a Swami, and Lahr, as the childhood sweetheart of Miss Brady's; Savo is assistant to Auer. Between them, they win Miss Brady over. The lovers are reunited and take leave of their four friends, who continue on their way to Hollywood.

A. Dorian Otvos and Monte Brice wrote the original screen play; Irving Cummings directed it, and Buddy DeSylva produced it. In the cast are Louise Fazenda, Barbara Read, Dave Apollon and his orchestra, and others.

Suitability, Class A.

#### "Murder on Diamond Row" with Edmund Lowe

(London Film-United Artists, Nov. 12; time, 76 min.)

For a crook melodrama, this is surprisingly slow and dull. In addition to the fact that there is too much dialogue and not enough action, the story fails to hold one in suspense by reason of the fact that the villain's identity is made known before the picture is half over. With this mystifying point cleared up, there is nothing else to hold one's attention. The players, with the exception of Edmund Lowe, are not familiar to American audiences, nor are their performances such as to make a great impression. The romance is of slight importance:-

Although the officials of Scotland Yard knew that crooks were selling their loots to a "fence," they are unable to trace his identity. Even the crooks did not know who he was; but they were in fear of him, for if they refused to sell their loots to him at his price, he would give them away to the police. He was thus known as "The Squeaker." Lowe, a former Scotland Yard inspector, who had been discharged because he drank too much, is given another chance; he is assigned to the job of getting the "squeaker." By posing as an ex-criminal, he becomes acquainted with the man he had suspected; he (Sebastian Shaw) was the manager of a large business organization owned by Ann Todd, who had no suspicion about his criminal activities. When Shaw realizes that one of the crocks (Robert Newton) had recognized him, he "squeals" on him. Newton is arrested but escapes, intent on killing Shaw; but Shaw kills him instead. Eventually Lowe traps Shaw, forcing him to confess. Miss Todd, who had been led by Shaw to believe that Lowe was a criminal, is happy when she learns who he really was. She accepts his proposal of marriage.

The plot was based on a story by Edgar Wallace; Edward O. Berkman wrote the screen play, William K. Howard directed it, and Alexander Korda produced it. In the cast are Allan Jeayes, Alastair Sim, and others.

Not suitable for children. Class B.

#### "Second Honeymoon" with Loretta Young and Tyrone Power

(20th Century-Fox, November 19; time, 79 min.)

This romantic comedy is a good box-office attraction because of the drawing power of the stars, and of the lavish production. The story is, however, weak, particularly in its characterizations of both the hero and the heroine, neither of whom win one's sympathy. This is owing to the fact that they are placed in compromising situations, which are not in the best of taste :-

Loretta Young, married to her second husband (Lyle Talbot), a practical, prosperous business man, is happy with him until, while on a vacation at Miami, she meets Tyrone Power, her first husband, whom she had divorced because of his irresponsibility. The meeting makes them both realize that they were still madly in love with each other. When Talbot is called back to his business, Miss Young stays on, as does Power. He makes love to her, and she cannot resist. Talbot telephones to Miss Young to return, but she refuses; he rushes down, therefore, to get her. A quarrel ensues between Talbot and Power, which lands them both in jail; they are finally released. In a quarrel with Talbot, Miss Young tells him what she thought of him and that she would get a divorce. She then runs away with Power, in his chartered plane, happy in the thought of

remarying him.

Philip Wylie wrote the story, and Kathryn Scola and Darrell Ware, the screen play; Walter Lang directed it, and Raymond Griffith produced it. In the cast are Claire Trevor, J. Edward Bromberg, Paul Hurst, and others.

Not particularly suitable for children. Adult fare. Class B.

#### "The Last Gangster" with Edward G. Robinson

(MGM, November 12; running time, 81 min.)

A powerful gangster melodrama; it should thrill patrons who go in for this type of entertainment. It is, however, pretty strong fare, with little comedy relief. There are scenes of torture, perpetrated by gangsters on Robinson, their former leader, that send shudders through one. Equally disturbing are the scenes at Alcatraz Prison, where Robinson, a prisoner, is tortured by Carradine, another prisoner, who had taken a fiend-ish delight in hurting him. The demoralizing effect of the gangsters' actions is toned down by the fact that they finally pay for their misdeeds. Despite Robinson's egotistical and brutal manner, one feels pity for him in the end when, alone and forsaken, he goes to his death, unrecognized by his own child. The heroine wins one's sympathy by her efforts to rear her child as a decent citizen. The love interest is subdued:-

Robinson, a powerful gangster leader, marries a girl (Rose Stradner) from his own country, that he might have a son to carry on his work and to take over his wealth. Miss Stradner, unaware of Robinson's activities, is happy when at last she is able to tell him that she was going to have a baby. The federal authorities, unable to pin anything on Robinson, whose gang had committed murder and robbery, finally arrest him on a charge of evading income tax payments. He is sent to Alcatraz Prison for ten years. When Miss Stradner first calls to see him, she takes the baby with her; but once she learns who Robinson really was she stays away. Eventually she gets a divorce and marries James Stewart, a newspaper editor. The boy grows up knowing nothing of his past and loving Stewart as his own father. Robinson swears to get even. When at the end of ten years he is released, he is met by one of his old henchmen (Lionel Stander). Stander and his gang, in order to make Robinson tell them where he had hidden his fortune, kidnap his son and take him to the hideout. By torturing the boy, they force Robinson to talk, after which they set them free. Robinson tries to tell the boy that he was his father, but the boy thinks he is mentally ill. He takes him back home, determined to confront Miss Stradner and to demand his son. But when he sees how the boy loved Stewart and his mother he leaves. In a fight with a gangster, who had threatened to expose the boy's parentage, Robinson is shot, but he kills the gangster before dying.

William A. Wellman and Robert Carson wrote the story, and John L. Mahin, the screen play; Edward Ludwig directed it. In the cast are Douglas Scott, Sidney Blackmer, Edward Brophy, Alan Baxter.

Unsuitable for children and adolescents. Adult fare. Class B.

#### "Manhattan Merry-Go-Round" with Phil Regan, Leo Carrillo and Ann Dvorak

(Republic, November 13; time, 83 min.) Fair entertainment, with fairly good box-office possibilities because of the well-known performers. It is, however, not as entertaining as "Hit Parade," for it lacks the human appeal of the other story; in addition, some of the situations are pretty far-fetched. Otherwise, the manner of presentation of the musical numbers is similar to that in the other picture, except that the background has been changed from a radio station to a recording studio, where records were made. There is plentiful comedy, most of which is provoked by Leo Carrillo. The love interest is pleasant :-

Carrillo, a racketeer, takes over a recording studio that had been unable to meet the debt it owed him. On the advice of Ann Dvorak, the manager, he re-engages Phil Regan, a singer, who had been discharged by the first owner. Carrillo gets all the stars he needed for his recordings simply by sending his henchmen out to bring them to the studio. When his mother upbraids him for recording jazz instead of operatic music, he decides to get the most famous opera singer (Tamara Geva) to make records for him. He learns that she was temperamental and hard to handle, and so, having heard that Regan attracted the ladies, insists that he go out to get her. He warns Regan that unless he followed his bidding harm would come to Miss Dvorak, whom he loved. Regan is unable to tell Miss Dvorak what it was all about, and so a misunderstanding arises when she sees him with Miss Geva. Eventually everything is cleared up; Miss Geva makes the record and then explains the situation to Miss Dvorak. The lovers are reunited.

Frank Hummert wrote the story, and Harry Sauber, the screen play; Charles F. Reisner directed it, and Harry Sauber produced it. Some of the specialty performers are Gene Autry, Cab Calloway and his orchestra, Ted Lewis and his orchestra, Kay Thompson and her radio choir, Joe DiMaggio; others are Luis Alberni, James Gleason, Henry

Armetta, and Max Terhune.

Suitability, Class A.

#### "County Fair" with John Arledge, Mary Lou Lender, Jimmy Butler, Fuzzy Knight and J. Farrell MacDonald

(Monogram-E. B. Derr, Nov. 24; running time, 72 min.) Fine entertainment. It is moving, thrilling, and laugh provoking. The human interest is awakened by the illtreatment two youngsters, brother and sister, receive at the hands of their father, who had turned "crabby" because of the loss of his wife. The loyalty between brother and sister, their love for a young horse that had shown traits of becoming a good racing horse; their wish that their father were regular, just like any other good father; the hero's standing by them, eventually helping them enter their horse in the race and winning it; the father's regeneration in the end-all these and other occurrences move one. The thrills are caused by the two horse races, particularly by the one towards the closing scenes, where the young boy's horse wins. The comedy is provoked by Fuzzy Knight, especially in the scenes where he and his pal, John Arledge (hero), a jockey, owners of a delapidated car without an engine, induce passing motorists to tow them by making them believe that they had run out of gasoline. The acting of John Arledge is excellent, particularly in the scenes where he is supposed to be suffering from a gun shot wound, inflicted on him by J. Farrell MacDonald, who takes the part of the father of the heroine; his suffering is so realistic that it makes one pity him. Fuzzy Knight is very good as the hero's pal; his loyalty toward the hero is inspiring. Jimmy Butler is likeable as the heroine's brother, Mary Lou Lender is charming; she is a newcomer and, with good stories, she should become fairly popular. The love affair is charming. There is considerable singing, too, of the popular variety

The story deals with the efforts of the hero, a jockey to help two youngsters, brother and sister, run their horse in a race, against the opposition of their father. He succeeds despite the machinations of the villains. The father becomes regenerated when he, in the closing scenes, sees his own boy win the horse race. Hero and heroine marry

The story idea has been furnished by E. B. Derr, and was developed and put into scenario form by John T. Neville. Howard Bretherton directed it, and E. B. Derr produced it. Others in the cast are Harry Worth, William Hunter, Henry Hall, Edwin Mordant, and others.

Good for the entire family. Class A.

Mr. Holtzendorf has asked me if there is something that can be done to stop this sort of tactics. There is only one procedure that Mr. Holtzendorf can follow: he can let the people of his town know why he is not booking Columbia pictures.

If I were in his position, I would send out a circular written approximately as follows:

"Dr. Mr. Jones:

"I understand that you have received a letter from the Columbia Pictures Corporation, of New York, suggesting to you to talk to me about booking Columbia pictures so that you might have an oportunity to see them at our theatre.

"There is certainly a reason why I have not purchased Columbia pictures, and such reason is the low quality of the Columbia product, so far as entertainment is concerned. Most of the Columbia pictures lack entertainment values, and many of them are made cheaply.

"Let me quote you from an unbiased film reviewing service, called Harrison's Reports, which service is published for the benefit of theatre owners—to inform them which pictures are entertaining and which are boring:

"'PAID TO DANCE': 'A good program racketeering melodrama, suitable particularly for the rough element. . . . Not suitable for children.'

"'MURDER IN GREENWICH VIL-LAGE': 'A moderately entertaining murdermystery melodrama, with comedy. . . . The story is extremely far-fetched and illogical, particularly in the way the identity of the murderer is made known. . . . Unsuitable for either children or adolescents.'

"'LIFE BEGINS WITH LOVE': 'All one can do is feel sorry for the performers, who have taken part in so infantile and ridiculous a story as this; it is up to the level of intelligence of a five-year old child.'

"'THE GAME THAT KILLS': 'Just a program melodrama.'

"'THE AWFUL TRUTH': 'Excellent! Gay, sophisticated, and romantic, this is the type of entertainment that should appeal to both the masses and to class audiences.... Unsuitable for children or adolescents.'

"'TRAPPED BY G-MEN': 'A pretty good program melodrama.'

"COUNSEL FOR CRIME': 'This heavy drama is fashioned along familiar lines and makes only fair program entertainment. In the main, it is not pleasant, for father and son are pitted against each other. What displeases the spectator mostly is the fact that the father is prosecuted by his vindictive son and is sentenced to life imprisonment (Ed. Note: The son was not aware of the relationship.). Unsuitable for either children or adolescents.'

"'THE OLD WYOMING TRAIL': 'This picture has not been reviewed in Harrison's Reports, but being a western it cannot be more than fair; the producers do not spend much money on western melodramas; they make them as cheap as they can.'

"'IT HAPPENED IN HOLLYWOOD': 'A pretty good program human-interest drama.'

"'OUTLAWS OF THE ORIENT': 'A fair program action melodrama.'

"'LOST HORIZON': 'Excellent. Suitable for all.'

"Please notice that, out of 11 pictures so far announced for release by this company in the new season, only two are worth-while, or 18%. And of these, one 'The Awful Truth'—is not suitable for either children or adolescents, because it is a high sophisticated comedy. The others, nine in number, or 82%, are small, cheaply-made pictures, a waste of time for intelligent audiences.

"In order for you to realize fully the predicament of the theatre owner in buying pictures, allow me to inform you that, pictures are booked in blocks, sight unseen. In other words, before, during or after the beginning of the picture season, which starts approximately at the end of July, the distributors' representatives call on exhibitors in an effort to sell them the entire season's output—feature pictures, short subjects, newsreels, and in the case of certain distributors, trailers and advertising paper. The contracts presented to the exhibitor for his signature contain no description of the pictures offered him, but only figures that state the maximum number of such pictures. He cannot buy only a part of what he is offered; he must buy them all or none, including the short subjects. You will see for yourself, then, that, in order for us to buy the two or three good pictures Columbia Pictures Corporation offers, we must buy possibly 35 other pictures that are not, in our opinion, worth showing to intelligent audiences.

"If Columbia wants you to see 'The Awful Truth,' and for that matter any other worthwhile Columbia picture, we shall be happy, indeed, to book it and pay for it a good price, provided we are not made to buy also its trash. Just write to Mr. Jack Cohn, vice president of Columbia Pictures Corporation, 729 Seventh Ave., New York, N. Y., and acquaint him with our desire to book 'The Awful Truth' individually, and in addition any other Columbia picture you and other of our patrons may desire to see. We are sure you will be surprised when you are told by Mr. Cohn that we must buy every Columbia feature picture and possibly all its short subjects in order for us to secure 'The Awful Truth.'"

This is, I have said, the sort of letter that I would write to the people of my town, if I had a theatre somewhere and Columbia sent the kind of circular it has sent to residents of Clemson College. As a matter of fact, I would write a similar letter to them about the product of any other distributor who might resort to the practice of Columbia.

You should not receive blows without making an effort to defend yourself by giving blows back. And this sort of circular letter is the best blow that a harrassed exhibitor can deliver in self-defense.

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#### A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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No. 49

# WORDS OF WISDOM THE PRODUCERS MIGHT MULL OVER TO THEIR PROFIT

Dorothy Thompson, the well known columnist, expert on foreign affairs, was the guest of the New York State Chamber of Commerce the evening of November 19, at the Waldorf Astoria. She discussed the state of the world since the great war, and expressed the belief that the democracies will survive the onslaught of the totalitarian states.

During her speech she spoke some truths about the conduct of the moneyed classes, which truths the moving picture producers might heed with profit. She said:

"The loss of confidence in leadership was profound in 1930. And, gentlemen, it was partly justified. The history of American capitalism from the Civil War to 1929 is not the history of Sir Galahad, to make an understatement. Let us tell the truth, because we get nowhere without truth.

"Financial practices were indulged in by some men and some companies which would not stand the test of any standards of honor and decency.

"When the people rebel, they rebel through the political instrument, for it is the only instrument they have. Their use of the political instrument, and their behavior in general, is usually copied from their politically powerful predecessors. We are now much perturbed, and rightly so, about the multiplication of pressure groups and their enormous demands upon the government. . . .

"One can justly accuse the American plutocracy of having actively contributed to the breakdown of social forms and social standards.

"The American plutocracy stood indicted before the writers and poets of this country, for its social irresponsibility.... This civilization of advertising and ballyhoo, of high pressure salesmanship and press agentry... is not good enough. This was not the reason why we opened the wilderness. This is not the American dream!"

Gentlemen producers! These words were spoken not by a communist; not even by a socialist, but by a person who is making her living from the plutocracy, some of the practices of which she so condemns. They are words that apply to you, the plutocrats of the motion picture industry, as they apply to the plutocrats of all the other industries. You have indulged in practices that will not stand the standards of "honor and decency." Wherever a case is taken to the Federal courts, you are almost invariably found guilty and you resort to the consents decree method, not only to cover your indecent practices, but also to make it impossible for either the Government or any individual from using the facts brought out at the trial against you again. And you continue to employ the same tactics.

To make it possible for you to grind down the weak was not the reason why this country, and particularly this industry, was developed. To put it in the words of Dorothy Thompson, "This is not the American Dream!"

Let us tell the truth, because we get nowhere without truth!

# NIGHTS AS A RESULT OF THE MGM AIR HOUR

This paper has received several letters from scattered parts of the country informing it that business on Thursday nights has fallen off considerably as a result of the MGM broadcast.

I have learned from reliable sources that the motive behind the MGM broadcast is the desire of this company's executives to gather into one hour the time of all the MGM stars instead of having them scattered all over the week, at all hours; also to enable them to plug for the MGM pictures, for the benefit of the box office of such theatres as play MGM pictures.

Though there is some sense to the act of the MGM executives in grouping the MGM stars' broadcasts and thus to exercise some supervision over what these stars are saying during the time they are on the air, the fact still remains that broadcasting by picture stars is proving detrimental to the business. And it will prove more detrimental the more producers arrange for broadcast hours.

The latest film company to establish a broadcast hour is, as said in last week's issue, Warner Bros.; their time is to be Wednesday evening. Now, if one more producer goes on the air, on Friday night, for example, the exhibitors are going to have three nights in the week when they might just as well shut down their theatres, and "sit at my home with my family and listen to these wonderful artists,' as Colby Chester, one of the officers of General Foods, told the listeners at the first MGM broadcast; and if a third producer should go on the air, what will stop a fourth one from doing the same thing? Does any one suppose that 20th Century-Fox, as much as it is opposed to such exploitation method, will remain away now that Warner Bros. has taken the air? And will United Artists remain passive? And will RKO? And with no fewer than four producers on the air on four different nights in the week, killing business for those nights, when will the exhibitors receive the benefit from this sort of publicity, assuming that the increase in the popularity of the stars brings an increased business?

Will the producers who are now broadcasting agree to play-date all their pictures that are featuring the broadcasting stars on the nights when these

#### "First Lady" with Kay Francis, Preston Foster, Verree Teasdale and Walter Connolly

(Warner Bros., December 4; time, 82 min.)

This high comedy, centering around political maneuverings in Washington, is good entertainment for high-class audiences. It has been given a lavish production, and has been extremely well acted by a competent cast. But it is doubtful if the masses will find it to their tastes, for the story is developed mostly by dialogue, and lacks both romantic and emotional appeal. There is plentiful comedy, brought about by the enmity between Kay Francis, as the wife of the Secretary of State, and Verree Teasdale, as the wife of a Supreme Court Justice; but even the comedy is rather subtle, and parts of it may go over the head of the ordinary picture-goer. A mild romance is introduced into the story; but it has little bearing on the plot:—

Miss Francis, whose grandfather had been President of the United States, looks forward to the day when her husband (Preston Foster), Secretary of State, would become President. In order to prevent Miss Teasdale, her bitterest enemy, from booming her young protege (Victor Jory), a brilliant Senator, for the nomination, Miss Francis starts a movement to nominate Walter Connolly, Miss Teasdale's dyspepsic husband, for the Presidency; she felt certain that he would not get the nomination. But, to her chagrin, certain powerful persons begin to take Connolly seriously, and decide to nominate him. By raking up some information pertaining to Miss Teasdale's former marriage, which had not been legally dissolved, Miss Francis compels Connolly to reject the nomination, thereby paving the way for her own husband, who, she felt, was the logical man for the position.

The plot was adapted from the play by George S. Kaufman and Katharine Dayton. Rowland Leigh wrote the screen play, Stanley Logan directed it, and Harry Joe Brown produced it. In the cast are Anita Louise, Marjorie Rambeau, Marjorie Gateson, and others.

Although morally suitable, it is doubtful if children or adolescents will enjoy it. Adult fare. Suitability, Class B.

#### "Thrill of a Lifetime" with Dorothy Lamour, Yacht Club Boys, Eleanore Whitney and Johnny Downs

(Paramount, November 19; runnning time, 751/2 min.)

Nice program picture. There isn't much to the story, but there is youthfulness, singing, and considerable comedy. The comedy songs are contributed by the Yacht Club Boys, and the comedy of situation by Judy Canova, who does a fine piece of work. There are no serious situations; instead, there is bouyancy—everybody in the picture seems to be having a good time. About the middle, the story sags considerably.

The story deals with Howdy Nelson( Leif Erickson), a playwright, who conducts "Camp Romance," a camp out in the country, for the purpose of giving young men and young women a chance to become acquainted with each other and to fall in love; he believed that love was a matter not of "romantic force," but merely of association. Having written a play, he goes to New York and calls on a producer to have it produced. But instead of meeting the producer, he meets the Yacht Club Boys, who had taken pos-session of the producer's office after the producer had left it and gone out so that he might not be compelled to hear their, what he thought was, "claptrap." Thinking that they are the producers, he invites them to his camp to help him produce his play. Stanley (Johnny Downs) and Betty Jane (Eleanor Whitney), dancers, hear about the camp and the show and they, too, decide to go there, hoping to get a chance for jobs at acting. But they take along Judy (Judy Canova), a partner of theirs, with the hope of finding a husband for her. At the camp, Judy falls in love with Skip-per (Ben Blue), and Betty and Stanley are jubilant, because they could not marry until she was settled. Overhearing Stanley telling Betty that he was tired of waiting for Judy to find a husband, Judy goes away. Betty wants to go away, too, but Stanley remains, bent upon taking part in the show; she is, however, persuaded to remain. Toward the end, everything turns out well—the play is so successful that it is engaged by a New York producer (Franklin Pangborn) with the entire cast; Judy finds a husband, Betty and Stanley are free to marry, and "loveless" Nelson falls in love with Gwen (Betty Grable), his secretary.

Seena Owen, Grant Garrett and Paul Gerard Smith wrote the original story and the screen play. George Archambuad directed it, and Fanchon produced it.

Good for the entire family—Class A.

# "The Hurricane" with Dorothy Lamour, Jon Hall and Mary Astor

(United Artists, Roadshow; time, 103 min.)

The powerful appeal of this picture comes not from the story or from the performances but from the scenes of the hurricane. Nothing like it has been seen on the screen; it is mechanical ingenuity at its best. As a matter of fact, so realistic is the storm that when it finally settles down, the spectator is worn out from the excitement and noise, as well as from the horror of the devastating effect the hurricane has on the island and its people. The story itself is not new; it is rather slow in spots and far-fetched in others. Nor is it particularly pleasant, for it is concerned mostly with the suffering of a native (Jon Hall) at the hands of misunderstanding and cruel white men. His different attempts at escape, although thrilling, give the spectator nervous exhaustion. There are several scenes that may turn the stomachs of sensitive persons. The love affair between Hall and his native sweetheart provides the only peaceful moments during which one can relax:

Hall, a native sailor, married to Dorothy Lamour, while on shore leave during one of his trips away from home, innocently becomes involved in a brawl with a drunken white man and knocks him out. He is arrested and sentenced to six months' imprisonment. The pleas of his island chief to intercede on his behalf fail to move Raymond Massey, the French governor of the island, who could not see beyond his duty. Hall, unable to stand confinement, makes many attempts to escape. But each time he is caught, and years are added to his sentence. Finally his attempt at escape is successful; in a small boat he had stolen, he sets out for his island, a six hundred mile trip by water. Battling storms, hunger, and thirst, he finally arrives there and is given shelter by C. Aubrey Smith, the island priest. Massey, having heard of Hall's escape, and believing he had hidden on a near island, sets sail to find him. Hall, sensing that a storm was coming, refuses to leave his island. He tries to direct the escape of the islanders, but in vain, for the hurricane sets in, destroying the island and its inhabitants; only a few survive. Mary Astor, Massey's wife, who had always sympathized with Hall, and who was grateful to him for having saved her life during the storm, pleads with him to escape with his wife and child before Massey found them. Massey, overjoyed to find his wife alive, decides to give up his hunt for Hall.

The plot was adapted from the novel by Charles Nordhoff and James Norman Hall; Dudley Nichols wrote the screen play, John Ford directed it, and Samuel Goldwyn, with Merritt Hulburd, as associate, produced it. In the cast are Thomas Mitchell, John Carradine, Jerome Cowan, and others.

Suitability, Class A.

#### "Mr. Boggs Steps Out" with Stuart Erwin, Helen Chandler and Toby Wing

(Grand Nat'l, November 12; time, 69 min.)

Mildly pleasant program entertainment. The performers are superior to the story, and it is because of them that one remains interested in what is going on. Most of the comedy is provoked by the antics of the country characters, as well as by Stuart Erwin's naive attempts to bring prosperity to an impoverished town. There is nothing particularly exciting in the action, except towards the end, where the villain is outwitted. Erwin's romantic involvements are portrayed amusingly:—

When Erwin, a statistical expert, wins \$1,500 in a bean guessing contest, he decides to make a place for himself in the world. By reading advertisements, he finds out that a barrel factory located in a small town was for sale; he goes there and buys it. Learning from his secretary (Helen Chandler) that business was at a stand-still, including the barrel business, he determines to set matters straight by inducing Tully Marshall, whose pickle business had been the town's main support, to reopen his factory. When Miss Chandler's father (Spencer Charters) invents a collapsible barrel, Erwin sees a chance to make a fortune; but his efforts to sell it are in vain. Walter Byron, a slick city lawyer, tries to steal the patent, but Erwin outwits him by registering it in Miss Chandler's name. Everything is finally adjusted—Ross reopens his factory, promising to buy Erwin's barrels, Erwin realizes that he loved Miss Chandler and not snobbish Toby Wing, and the townsfolk look forward to happy and prosperous times.

Ben Pivar produced it. In the cast are Otis Harlan, Wil-

Clarence Budington Kelland wrote the story, and Richard English, the screen play; Gordon Wiles directed it, and liam Moore, Harry Tyler, and others.

Suitability, Class A.

#### "Submarine D-1" with Pat O'Brien, George Brent, Wayne Morris and Doris Weston

(First Nat'l, November 27; running time, 98 min.)

This melodrama, centering around the Submarine Division of the United States Navy, is interesting and educational, for it goes into details as to the work involved and the system followed for rescue work. But it is entertainment primarily for men, who may be fascinated by the mechanical intricacies depicted. It lacks the human interest necessary for appeal to women, since the story centers mostly on the activities of the submarine division; the accompanying plot is ordinary. The real thrills come in the closing scenes, where the submarine, commanded by George Brent, having been rammed during torpedo practice, sinks. These scenes are extremely realistic and hold the spectator in tense suspense, until the last man is rescued. Frank McHugh, as a sailor with aspirations to win a fortune on a horse race, provides the comedy relief. The sound is poor in most of the film. And so is the photography.

The story deals with the rivalry, in service as well as in love, between Wayne Morris, a sailor, and Pat O'Brien, a chief petty officer. Each thinks he is the man best suited to marry Doris Weston in whom they had taken an interest ever since the death of her sailor sweetheart in service. Brent, Captain of a new submarine, transfers O'Brien from his ship to another, for two reasons; first, because the men disliked O'Brien's rough treatment of them, and secondly, because he wanted O'Brien to perfect his invention for rescuing men trapped in a submarine. Brent puts Morris in O'Brien's place. While out on target practice, Brent's submarine is rammed and sunk. O'Brien is ordered to the rescue with his new equipment; it works, and all the men are rescued. This brings praise and promotion both to O'Brien and Brent. Miss Weston confesses that she loved Morris.

Frank Wead wrote the story, and he, together with Warren Duff and Lawrence Kimble, the screen play; Lloyd Bacon directed it, and Hal B. Wallis produced it. In the cast are Ronald Reagan, Henry O'Neill, and others.

Suitable for all. Suitability, Class A.

#### "Blossoms on Broadway" with Edward Arnold, Shirley Ross and John Trent

(Paramount, December 4; running time, 87 min.)

It is shameful that the talents of Edward Arnold should have been wasted in anything so trite as this picture. It was probably the producer's intention to make this a high comedy, but the result is a hodge-podge of foolishness; it annoys one by its stupidity. There's actually no plot to speak of, and for the most part the spectator is completely bewildered as to what is going on. None of the players is adept at light comedy; but then it is doubtful if any one could have done more with the material at hand. Neither the musical interpolations nor Rufe Davis' imitations are sufficiently novel to overcome the picture's boresomeness:—

Arnold befriends Shirley Ross, a somewhat silly country girl, who had come to the big city to make her way in the theatre. She had tried to atttract the attention of a theatrical producer by stealing his watch, and only Arnold's quick thinking had saved her from being arrested. Arnold decides to use her in his scheme to make some easy money. When he reads that Kitty Kelly, owner of a gold mine, was expected in town to consult an ear specialist, Arnold poses as the doctor, and sends her a telegram to leave the train at the station before Grand Central. She does this; and his assistant, dressed as a nurse, takes Miss Kelly to what was supposed to be his office, where she keeps her a prisoner. This leaves Arnold free to introduce Miss Ross as the noted Westerner. They contrive to meet millionaire Frank Craven, and Arnold gives Craven advice on how to fool the government about his gold hoardings. He suggests that they use his companion's gold mines to carry out their plans. Everything goes wrong, and the police step in and stop Arnold and Craven from carrying out their scheme. In the meantime, Miss Ross had met John Trent, a young man given to silly impulses as she was given to, and they fall in

Theodore Reeves wrote the screen play, Richard Wallace directed it, and B. P. Schulberg produced it. In the cast are William Frawley, Weber and Fields, and others.

Too silly to be taken seriously; therefore, morally suitable for all. Suitability, Class  $\Lambda_{\rm s}$ 

#### "A Damsel in Distress" with Fred Astaire, George Burns, Gracie Allen and Joan Fontaine

(RKO, 1936-37, November 19; running time, 100 min.)

Good entertainment. Fred Astaire's dancing, Burns' and Allen's clowning, and the tuneful musical numbers should entertain well most audiences. Comparing it, however, with other Astaire pictures in which Ginger Rogers appeared opposite him, it falls somewhat short; for one thing, he does not have the excellent dancing support Miss Rogers gave him, and, for another, Joan Fontaine, although charming, is not equal to the requirements of her part. There is plentiful comedy, provoked not only by Burns and Allen, but also by Reginald Gardner and Harry Watson, as two servants who interfere in Astaire's romance with Miss Fontaine. A novel dance routine is that in which Astaire, Burns, and Miss Allen dance in front of mirrors that distort them. And Astaire ends the picture with a peppy drum tap number. The background is London:—

Astaire, a well known dancer, objects to the publicity Burns, his agent, had been giving out about his many love affairs, for the stories were all untrue. In an effort to escape from his feminine admirers, Astaire jumps into a cab. Miss Fontaine, a stranger to him, joins him in the cab. At first he thinks she is just one of his many admirers, but he soon finds out that she did not even know him, and had jumped into his cab in order to escape from some one who had been following her. She leaves before he had a chance to find out who she was. It develops that she was the daughter of an English lord (Montagu Love) and niece to titled Constance Collier, who was determined to have her marry her step-son (Ray Noble). But Miss Fontaine imagined herself in love with some one else. Knowing of Miss Fontaine's many suitors, the servants form a sweepstakes as to the final outcome; each one picks the name of a suitor, the winner to get the prize money. Harry Watson, the page boy, picks "Mr. X," which meant that, if an unknown person married Miss Fontaine, Watson would win. Having heard about Astaire, he lures him to the castle, hoping to bring about a romance between him and Miss Fontaine, so that he might win the money. And things happen as he had planned, except that many complications set in at first. Everything is adjusted, with Miss Fontaine admitting, after many quarrels, that she loved Astaire.

P. G. Wodehouse wrote the story, and P. G. Wodehouse, Ernest Pagano, and S. K. Lauren, the screen play; George Stevens directed it, and Pandro S. Berman produced it. In the cast are Jan Duggan, and others.

Suitable for all. Class A.

#### "Danger Patrol" with John Beal, Sally Eilers and Harry Carey

(RKO, December 3; running time, 59 min.)

This melodrama, centering around the danger to men handling and transporting nitro-glycerin, a powerful explosive, is only moderately entertaining. The trouble lies in the fact that the hazardous work is only spoken about instead of being enacted. For the most part the action is slow, and the excessive dialogue tiresome. The excitement occurs in the closing scenes, where Harry Carey and a pilot, flying the explosives to an oil well fire, crash into a mountain and are blown to bits. One is in sympathy with Sally Eilers, Carey's daughter, who is heartbroken at her fathers death; also with Harry Carey. Miss Eilers' romance with John Beal is mildly appealing:—

Beal, a medical student, harrassed by financial worries, decides to give up his studies to earn enough money with which to eventually finish his medical course. He chooses the hazardous work of handling nitro-glycerin because the job paid well. In time he meets and falls in love with Miss Eilers, whose father (Carey) was engaged in the same work as Beal. She pleads with Beal, as she had been pleading with her father for years, to give up the work; but he refuses, causing a break in their romance. When Beal offers to fly the explosive to a burning oil field to earn a \$1,000 bonus, Carey fears for his safety; he knocks him out and takes his place. Carey and the pilot are both killed when the plane crashes. Beal, comforting Miss Eilers, promises to give up the work.

Helen Freeland and Hilda Vincent wrote the story, and Sy Bartlett, the screen play; Lew Landers directed it, and Maury Cohen produced it. In the cast are Lee Patrick, Frank M. Thomas, Solly Ward, and others.

Morally suitable for all. Suitability, Class A.

stars go on the air, instead of demanding that these pictures be shown on Saturdays and Sundays? Certainly the exhibitors are entitled to some consideration for the havoc wrecked upon their business on certain days of the week.

If the producers really mean to benefit the box offices of the theatres by increasing the popularity of their stars through the medium of radio, why don't they arrange to have these stars broadcast in the morning? Every housewife who has a radio set would undoubtedly tune in. In this manner, the popularity of the stars would increase, and the exhibitor would not suffer a loss of business. If United Artists finds it profitable to take the air in the morning and in late afternoon, why couldn't the other producers? According to Mr. Greenthall, United Artists does not dramatize its pictures after 7 P.M. because if people are, as he said, going to tune in and hear the story in the evening, they will not go to the theatres to see the picture. The big matinee business "Stella Dallas" did is, he says, owed to the fact that their radio scripts were used at day time.

George Erdman, secretary of the Cleveland exhibitor association, commenting on the broadcasts, said that he hoped that, since Thursday night conflicts with the exhibitor's business the least, the other producers, too, would select Thursday night as the time of their broadcasts so that the exhibitors might shut down their theatres on those nights and thus, not only enjoy the show themselves, but also save the film rental for those evenings.

The exhibitors should take more active steps in opposition to these broadcasts.

# OF THE DROP IN BOX OFFICE RECEIPTS

In last week's issue I quoted from a Hollywood dispatch in weekly *Variety* dealing with the curtailment of the "stupendous" and "colossal" productions. The *Variety* article gave the following pictures as being among those that have been held up:

Warner Bros.: "Hollywood Hotel," "Robinhood," "Gold is Where You Find It." and two others. The budget on the Mervyn LeRoy picture "Food for Scandal" was curtailed, and the results of the pruning are, according to the same article, noticeable. (Ed. Note: "Hollywood Hotel" has been finished.)

MGM: "Marie Antoinette" may not start December 1, as originally scheduled; it was to cost \$2,000,000.

Twentieth Century-Fox: Sidney Kent was expected to reach the Coast for a conference about cutting down the cost of pictures.

Paramount: "Spawn of the North" and "Gettysburg" have been held up and probably will not be produced during the 1937-38 season. No budgets had been set up for "Bluebeard's Eighth Wife," "An Empire is Born," "Beau Geste," "Madame Butterfly," "The Vagabond King," and "Men with Wings," and the supposition is that less money will be spent on them. Other pictures, too, may have their budgets

curtailed, "so the company will have a chance to at least break even on them should they be made"

RKO: This company has "heavy budgeted" the following pictures: "Vivacious Lady," "Radio City Revels," and "The Joy of Loving," and several RKO executives went to the Coast to confer about costs.

Universal: "Mad About Music" has been held up, until Charles R. Rogers, who is in New York, obtains approval of the budget. This company has also a Buddy De Sylva musical under consideration, to be directed by John M. Stahl, but it is unlikely that it will be made.

It is unlikely that the major producers will deliver all the pictures they announced for the 1937-38 season. If so, then there will be shortage of product. This will put the independent producers into an advantageous position.

#### COLUMBIA "RENEGING" AGAIN!

Evidently the Columbia executives have been so encouraged by getting away with the "Lost Horizon" grab that they are, according to a letter received from a small town exhibitor in the middle west, withholding the Buck Jones pictures from those exhibitors who bought the Columbia product.

The Columbia contract does not designate the westerns by star; it designates them merely as "Group A-5." But the Work Sheet states: "8 Super-Action Westerns," and opposite this line there is the following wording: "Featuring Buck Jones—Tim McCoy—Rex, the King of Wild Horses! Supreme action entertainment."

The act of Columbia in withholding the Buck Jones pictures from those exhibitors who have bought the eight Columbia Westerns is as bad as that of Paramount's withholding eleven pictures from the 1936-37 season and selling them in the 1937-38 season's group; it is, in the opinion of Harrison's Reports, a moral breach of contract, and the work sheet is merely a misleading advertisement.

HARRISON'S REPORTS desires to ascertain whether this withholding is general or merely confined to the State of Kansas; therefore, if you are in a different state and Columbia is refusing to give you the Buck Jones pictures, communicate with this office, for it is its intention to make an appeal to the exhibitor leaders throughout the country to take steps to bring Columbia back to the straight and narrow path, from which it is again straying. They got away with "Lost Horizon"; they should be made to realize that they cannot get away with another such injustice.

# THE MILWAUKEE PLAY-DATE STRIKE AGAINST PARAMOUNT SETTLED

According to a news release by Independent Theatre Owners Protective Association, the independent exhibitor organization of the Milwaukeezone, the officers of the organization have been able to effect a settlement with representatives of Paramount on the play-date strike.

The terms seem to be very satisfactory from the point of view of the exhibitors. Details will be printed in next week's issue.

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#### AND THEY CALL IT A CONTRACT!

For several years HARRISON'S REPORTS has published annually a study of the main provisions of the major distributors' license agreements. Each year, this study indicated more conclusively the unfairness of the agreements. To the layman they appeared to give few, if any, rights to the exhibitor, while they gave every conceivable right to the distributor. At the same time, they placed no apparent restrictions upon the distributor's freedom to do as it pleased about any picture it might produce.

This paper has vainly called upon distributors to clarify the meaning of the ambiguous language of the contracts. Similar requests made by exhibitors have fared no better. The idea seemed to be to keep the contract holder uninformed as to his rights, so that the distributor might, in particular cases, interpret the contract to suit its purpose.

One of the provisions that has always seemed especially difficult to interpret is the one that deals with the minimum number of pictures to be delivered under the contract. Only now and then has a license agreement been so worded as to enable one to say definitely that the distributor is obligated to deliver the minimum number of pictures specified.

The distributors have, of course, refused to clarify this point: for them to say that they were under no obligation to deliver the minimum number might bring protests from the exhibitors; again, to say that they were obligated to deliver the minimum number might subject them to numerous lawsuits for damages by reason of the frequent failure of distributors to deliver their full program.

Recently a major distributor, through its counsel, gave an interpretation of this point in writing. It was in a brief filed by the attorneys for Paramount in the action brought by the Gary Theatre Company, in the U. S. District Court of Indianapolis.

The Gary Theatre Company had asked for a mandatory injunction to compel Paramount to deliver ten features, which they claimed under their 1936-37 contract. One of the questions before the court was the meaning of the contract phrase "not to exceed 65 pictures." The Gary Theatre Company asserted that, by the use of this language, "Paramount is under an affirmative duty to produce, release and deliver to the complainants 65 feature length motion pictures with the titles and stories set forth in its catalogue." Paramount, however, insisted that, "under the contract, there is no expressed or implied duty for the defendant to produce or release any particular picture or any particular number of pictures.

It must be assumed, therefore, that so far as the distributors were concerned, they are, if one is to judge from this assertion by the counsel for a major distributor, under no obligation either to produce or to distribute a single picture, despite the thousands of license agreements they obtained from exhibitors.

This is indeed a unique situation! The purchaser obligates himself to accept delivery of the product, to pay for it, to run his business as the distributor dictates (such as the agreement to charge a minimum admission price), while the seller of the article agrees to do nothing unless he should be so inclined.

Another proof of the harshness of the ambiguous contract terms came to light recently when a large award of damages was made in favor of MGM and 20th Century-Fox against a Brooklyn theatre, which had been charged with holding over shorts without permission. Under the contract, the exhibitor must get the written permission of the branch manager before he may hold over a picture for even

one day. The custom, however, has been to hold over a picture merely on notification to the booker, who, in turn, sent a written confirmation to the exhibitor. This custom has grown up despite numerous warnings by this paper and by exhibitor leaders to the effect that no contract holder should rely upon any oral promise or representation relating to the modification of his contract in any way whatsoever. This paper has, in fact, specifically pointed out that such a modification of the contract without the written approval of the branch manager might, where it related to the holding over of a picture, result in the exhibitor's making himself liable to a suit for copyright infringement. That is exactly what has happened in Brooklyn.

And now, the I.T.O.A. has decided to appoint a committee to meet with distributors for the purpose of clarifying this clause as well as other contract clauses.

It is about time that the exhibitors took some definite action to compel the distributors to sell their product on a contract that defines the rights of each party clearly, and that obligates each party to perform his share of the agreement. The license agreement should provide that the distributor agrees to deliver a minimum number of pictures during the contract year. There should be an absolute guarantee that this minimum number of pictures will be available to the contract holder for exhibition, free from the possibilities, through trick clauses, that any part of this number will be withheld through road shows or delays in production. Only then would the distributors have the right to call these documents license agreements.

#### THE SLASHING OF PICTURE BUDGETS CONTINUES

The picture producers of Hollywood seem to be in a panic nowadays; they are frantically cutting down production costs, studio costs, and other costs; they are even reducing the number of telephone calls, and their duration.

The panic that has gripped them is easily understood: seeing the checks from New York becoming smaller and smaller every week, because of the reduced receipts from distribution (and from exhibition, in the case of those distributors who own theatres), they are seeing the handwriting on the wall, unless they pare down the expenses to meet the new conditions.

But while reducing expenses is praiseworthy, production in Hollywood is so geared that any reduction of budgets reflects on the quality of the pictures.

It is too bad that this business recession did not happen when the new season's selling had begun so that you might have signed your contract at lower prices and more moderate terms; but since you have already signed it, then you are entitled to immediate readjustment for two reasons: first, because you are not taking in as much money with their pictures as you would have taken in had business continued as good as it was last spring, and, secondly, because the pictures will not be as good as they would have been had the studios not reduced their budgets.

Under the heading, "Slipping Grosses," Mr. Jay Emanucl, publisher of "The Exhibitor," of Washington, Philadelphia, and New York, said the following on the subject of diminished theatre receipts:

"That grosses have been slipping during the past month or so is no secret to exhibitors, distributors and producers.

"Box office statements tell their own tale but they do not indicate what the reasons might be

#### "Boy of the Streets" with Jackie Cooper

(Mongram, Dec. 8; running time, 76 min.)
A fine picture. It is a sort of "Dead End," in which George Kann, the producer, and William Nigh, the old reliable director, have been able to accomplish almost what Sam Goldwyn accomplished with more than twenty times the amount of money they had at their disposal. There is deep human interest in many of the situations, and the attention is held pretty tense throughout. The moral is the same in the story of this picture as it is in the story of "Dead End"—that poverty and environment in the tenement districts of the big cities breed criminals, and that the same young boys and girls, reared in a better environment, would turn out good citizens. There is a love story, but it is not developed adequately—full advantage of the opportunities was not taken; it is between the young rich woman, who owned the tenement around which the action revolves, and a young physician, who had his offices in the neighborhood and never tired of ministering to the tenement dwellers.

When Chuck (Jackie Cooper), who was leader of a neighborhood gang, finds out that his father was not a big politician, as he believed, but only a stooge, he is so shocked that he joins the gang of Blackie, a big-time racketeer. While in the act of robbing a store, the gang is apprehended by policeman Rourke (Robert E. O'Connor), who starts shooting, but he is shot and wounded by them. Chuck thinks it unfair for the gangsters to shoot at a wounded man and tries to stop them; but they shoot and wound him, too. Chuck refuses to squeal, until he is made to believe that Rourke was dying; he then names the crooks. The crooks are arrested, Rourke survives, and Chuck, who gets well, is not prosecuted because he had saved the life of a policeman. He joins the Navy, while Nora (Maureen O'Connor), his neighbor and friend, is sent to a private school by the wealthy girl who owned the tenement house.

The screen play was written by Gilson Brown and Scott Darling, from a story by Rowland Brown.

Because of the moral lesson it conveys it should be classed as A.

#### "Love On Toast" with John Payne and Stella Ardler

(Paramount, Dec. 10; time, 641/2 min.)

A mild program comedy, with only moderate box-office appeal because of the lack of an appealing story, and of well-known players. Reverting back to slap-stick for its comedy, it makes use of the old tricks to provoke laughter -that is, pie-throwing and free-for-all fights. The interpolation of a few musical numbers are of slight help in bolstering up the weak plot. Even the romance fails to click:— Faced with the fact that the sales of the soup company

for which she was publicity director were not good in New York, Stella Ardler conceives a publicity stunt to boost sales: They would hold a contest to pick "Mr. Manhattan," and then marry him off to a "Miss Brooklyn," whom Miss Ardler would choose. Unknown to John Payne, a sodajerker, his pal (Luis Alberni) sends in Payne's picture; and he is picked as the winner. The fuss annoys Payne to such an extent, that he returns the prize money and refuses to go through with Miss Ardler's plans for him to marry "Miss Brooklyn," In a hectic free-for-all fight started by Miss Ardler and members of her soup company, Payne and Miss Ardler find themselves under a counter. They kiss, realizing that they were in love with each other.

Richard Connell, Jane Storm, and Doris Malloy wrote the screen play; E. A. Dupont directed it, and Emanuel Cohen produced it. In the cast are Katherine Kane, Grant Richards, Isabell Jewel, and others.

Morally suitable for all. Class A.

#### "The Duke Comes Back" with Allan Lane and Heather Angel

(Republic, Nov. 22; time, 64 min.)

A fairly good program picture. What it lacks in boxoffice names is made up for in human-interest values and in fairly exciting action. The prizefight scenes are portrayed realistically; they hold one's attention, because of one's desire to see the hero, a contestant, win. The hero's actions are sympathy-awakening throughout, particularly in the second half, where he jeopardizes his own happiness in order to help his father-in-law. Despite the obviousness of the outcome, one is held in fair suspense to the end:

Because of the wishes of his wife (Heather Angel), Allan Lane, world champion, retires from the ring undefeated. With her sister (Genevieve Tobin) as his partner, he flourishes in the book-publishing business. After five years of happy married life, during which a son is born, Lane is

faced with the following problem: his father-in-law, because of poor speculations, had lost not only his money but also money that had been entrusted to him. Since the sum needed was large, Lane decides to fight again. Not wanting to worry his wife, he and Miss Tobin think up a plan to send her away. But gangsters, who had bet against Lane, decide not to take any chances. Consequently, they send clippings to Miss Angel about the forthcoming bout; she naturally rushes home. Instead of telling her why he had to fight, Lane permits her to leave with their child. She goes to her father's apartment, where she is followed by the gangsters, who hold them prisoners. They telephone to Lane and tell him that unless he lost the fight they would kill his wife and child. Miss Angel, having learned the truth about the fight from her father, outwits the gangsters and rushes to the boxing match. She warns the police in time of the gangsters' plans to kill Lane. Lane wins the bout, and with the money pays his father-in-law's debts. He is happily reconciled with Miss Angel.

Lucian Cary wrote the story, and Adele Buffington and Edmund Seward, the screen play; Irving Pichel directed it, and Herman Schlom produced it. In the cast are John Russell, Joseph Crehan, Frederick Burton, and others.

Suitability, Class A.

# "Quick Money" with Fred Stone (RKO, Dec. 10; time, 59 min.)

Mild program entertainment, suitable mostly for neighborhood theatres. The plot is the familiar one of a big town crook trying to cheat his unsuspecting country friends. There is nothing novel in this version, which moves along at a leisurcly pace; the excessive dialogue tires one. One situation is, however, amusing; it shows Fred Stone's young son experimenting with chemicals on dinner guests. The closing scenes are fairly entertaining:-

When Berton Churchill returns to the small country town where he had been born, accompanied by a secretary (Paul Guilfoyle), the neighbors think he was a millionaire. He leads them to believe that he was interested in turning the town into a resort centre. Naturally every one becomes excited—that is, all except Stone, the Mayor, who did not trust Churchill. When a self-appointed Committee demands that Stone turn over the \$47,000 school fund to Churchill, he refuses; for this his neighbors boycott him. They decide to hold a vote to impeach Stone; but he manages to prevent them from completing the voting until Gordon Jones, a reporter, could get back with a federal agent who could identify Churchill and his secretary as crooks. When this is done, the townsfolk are naturally grateful to Stone for having saved their money. They reelect him Mayor.

Arthur T. Horman wrote the story, and he, Franklin

Coen, and Bert Granet, the screen play; Edward Killy directed it, and Maury Cohen produced it. In the cast are Dorothy Moore, Harlan Briggs, Dorothy Vaughan, Frank M. Thomas, and others.

Suitability, Class A.

#### "Missing Witnesses" with John Litel, Dick Purcell and Jean Dale

(First Nat'l., Dec. 11; time, 61 min.)

A fair program melodrama. Despite a familiar plot, it holds one's attention, because of the fast action. The fact that it deals with racketeers does not make it demoralizing, for the leading characters are the men on the side of the law, and they eventually outwit the crooks. The fearlessness of the special investigator and the detective assisting him in rounding up the criminals wins one's respect for them. One is held in suspense in the closing scenes, for there the leader of the gang is trapped. Dick Purcell's romance with Jean Dale is mildly pleasant:-

John Litel is appointed special investigator to uncover the activities of a gang of racketeers who had been preying on business men by demanding protection money. Purcell, his assistant, in his eagerness to do his detective work well, bungles matters considerably. Litel finds it difficult to get men to talk because of their fear of gang reprisals. He manages, however, to induce one man to talk, and is thus able to send a few racketeers to jail; but it was the leader he wanted. Through Miss Dale, secretary to a prominent stock broker, he finds out that her employer was the guilty person; eventually he tricks him into confessing. With the case finished, Purcell marries Miss Dale.

Kenneth Gamet and Don Ryan wrot the original screen play; Williams Clemens directed it, and Bryan Foy produced ie. In the cast are Eddie Acuff, Hugh O'Connell, Mabel Todd, and others.

Suitability, Class A.

#### "Thoroughbreds Don't Cry" with Mickey Rooney, Judy Garland, Ronald Sinclair

(MGM, Nov. 26; running time, 79 min.)

An enjoyable program human-interest comedy-drama, with horse-racing as the background; it should thrill particularly young tolk. The three young players—Judy Garland, Mickey Rooney, and Ronald Sinclair, are excellent; but it is Mickey Rooney, in the part of a hard-boiled jockey, who gives the outstanding performance. One is in deep sympathy with him throughout, particularly when he throws a race to help his father, who, by pretending to be very ill and in need of money, tricks him into doing so. Mickey's remorse at having double-crossed those who had trusted him is pathetic. He provokes many laughs, too, by his efforts to be tough. Judy Garland sings a few numbers. There is no love interest:—

Ronald and his grandfather (C. Aubrey Smith) arrive in America to race their horse "The Pookah," hoping to win the race and thus secure their future. By giving Mickey the riding whip that once belonged to a famous jockey, who had raced for him, Smith wins his friendship; in this way he gets Mickey's consent to ride "The Pookah" in a race. Mickey's father (Charles D. Brown), for whom Mickey had contempt, by pretending that he was dying from a bad malady and that he needed \$5,000 to obtain expert medical attention to save his life, induces him to throw the race so that his gambler friends might bet and win, and then give him the money. With the hope of saving his father's life, Mickey holds back the horse and loses the race; but the shock kills Smith. Remorseful, he decides to help Ronald, who, except for the horse, had been left penniless. He calls on his father to let him have the \$1,000 needed to enter "The Pookah," with himself as jockey, in an important race, and when he is refused, he takes the money out of his pocket book and runs out. Brown, who was betting against "The Pookah," informs the race track officials that Mickey had pulled the other race, and the officials rule Mickey off the track. At the last minute Ronald rides the horse and wins. Mickey is overjoyed.

Eleanore Griffin and J. Walter Ruben wrote the story,

Eleanore Griffin and J. Walter Ruben wrote the story, and Lawrence Hazard, the screen play; Alfred E. Green directed it, and Harry Rapf produced it. In the cast are Frankie Darro, Henry Kolker, Sophie Tucker, and others.

Suitability, Class A.

# "Nothing Sacred" with Carole Lombard and Fredric March

(United Artists, Nov. 26; time, 74 min.)

Photographed in technicolor, this is a good box-office attraction. The production and acting are extremely praise-worthy; but it is doubtful if the masses will understand the satirical implications of the story, which "pokes" fun in a devastating way, at everything from newspapers to sentiment. The popularity of Carole Lombard and Fredric March should draw them in, but the picture may not make the impression on them that it may on sophisticated audiences. Satires are, as a rule, lost on the masses. It is, therefore, suitable more for the large down-town theatres than for general run. The comedy, running to slapstick, is very good in spots, and there are situations that provoke hearty laughter. The romance is delightful:—

March, a reporter for a powerful New York newspaper, in order to square himself with the publisher (Walter Connolly), who was angry at him for having involved the paper in a ridiculous story, asks to be assigned to a humaninterest story involving Miss Lombard, who was supposed to be dying from radium poisoning. Just as March arrives at the small Vermont town where she lived, she finds out from her doctor (Charles Winninger) that his first diagnosis was wrong and that she was extremely healthy. March, still under the impression that she should soon die, offers to take her to New York, where, at the expense of his newspaper, she would be wined and dined until the day she died; and then a big funeral would be given for her. The idea so appeals to Winniger as well as to her that they decide to continue the hoax and, in company with March, fly to New York. Everything from the keys to the city to beautiful clothes, flowers, and entertainment is lavished on Miss Lombard. In the meantime, March falls in love with her, as she does with him. Eventually Connolly learns the truth and threatens to kill March, unless he could think of some way of saving the paper from disgrace. Miss Lombard supplies the idea—she leaves a note saying that, since her death was imminent, she had decided to end it all by jumping into the river. The city declares a holiday to mourn her demise, while she and March set off for the South Sea Islands on their honeymoon.

James H. Street wrote the story, and Ben Hecht, the screen play; William A. Wellman directed it, and David O. Selznick produced it. In the cast are Sig Rumann, Frank Fay, and others.

Suitability, Class A.

# "Expensive Husbands" with Beverly Roberts and Patric Knowles

(Warner Bros., Nov. 27; running time, 62 min.)

There's not very much to recommend in this program comedy. Only in one or two instances is it amusing; but for the most part one is bored by the continuous dialogue and ordinary plot developments. Some of the action and the dialogue are in extremely bad taste because of their suggestiveness; they take place on the heroine's bridal night. The one redeeming feature is the charming performance given by Patric Knowles in the part of a Prince:—

Beverly Roberts, a motion picture star, realizing that she was losing prestige, takes the advice of her agent (Allyn Joslyn) to take a trip to Europe. When she learns that a rival actress had been signed as a star simply because she had married a title, Miss Roberts decides to outdo her by marrying a Prince. With the help of a lawyer, who advertises for a Prince, she gets a title in the person of Knowles, a Prince. She is shocked when she meets him as a prince, because she had first met him as a waiter at a hotel. They marry, Miss Roberts first paying him the amount agreed upon. Disappointed because he had neglected her on their wedding night, she goes back to Hollywood, where she is re-signed because of the title. Knowles follows her and, wanting to win her for himself, does not tell her that he had become wealthy. Instead, he runs up bills to her account. This infuriates her. Sick of it all, he goes back to his castle, telling Miss Roberts that if she loved him she would go with him. She gives up her career to follow him to Europe.

Kyrill de Shishmareff wrote the story, and Lillie Hayward, Jean Negulesco, and Jay Brennan, the screen play; Bobby Connolly directed it, and Frank Mandel produced it. In the cast are Gordon Oliver, Eula Guy, and others.

The wedding-night situation makes it objectionable for children and adolescents. Class B.

# "Non-Stop New York" with John Loder and Anna Lee

(Gaumont-British, Nov. 17; time, 69 min.)

Despite a far-fetched plot, this is a fairly exciting program melodrama. Owing to the excellent acting, situations that would ordinarily seem silly become credible; consequently, one's attention is held to the very end. It sags a little towards the middle, but picks up speed in the second half, where the action, particularly towards the end, is thrilling. The constant danger to the heroine holds one in suspense. Most of the action takes place aboard a transatlantic aeroplane flying from England to New York; thus several characters who are passengers are brought into the plot. It is through these characters that the conedy is provoked. The romantic interest is incidental:—

Anna Lee, a British chorus girl stranded in New York, accepts the invitation of James Pirrie, a young lawyer, to go to his apartment for supper. She finds a tramp hiding in the bedroom, but since he assures her that he was there to steal only food, she helps him to escape. A group of sinister-looking men, headed by Francis Sullivan, arrive at the apartment and order Miss Lce to leave; Sullivan then kills Pirrie. Miss Lee, on her way back to England, is shocked when she reads of the murder. In order to keep her from talking, Sullivan's henchman, who had followed her, frames her on a robbery charge, and when the ship docks in England she is sent to jail. In the meantime the tramp, who had been caught escaping from the apartment, is arrested for the murder, tried, convicted, and sentenced to death. Miss Lee, when released, reads of this and rushes to Scotland Yard to tell what she knew; but John Loder, the inspector, refuses to believe her. Through a ruse, she manages to get aboard a transatlantic aeroplane, hoping to arrive in New York in time to save the condemned man. Sullivan, one of the passengers, first kills Frank Cellier, a blackmailer who had found out that he was the murderer, and then attempts to kill Miss Lec. Loder prevents this. Sullivan kills the pilot and then jumps with a parachute. not knowing that it was a defective onc. Loder prevents the plane from crashing. He cables the authorities to stop the execution. He proposes to Miss Leo

Ken Attiwill wrote the story, and Roland Pertwee and J. O. C. Orton, the screen play: Robert Stevenson directed it. In the east are Desmond Tester, and others.

The murders make it insuitable for children. Class B.

"Various suggestions have been offered. Some say the current crop of pictures is not up to the usual standard. Others declare that the war scare affected grosses, that the high cost of living has patrons watching their pennies, that the novelty of games, giveaways, is wearing off, that radio competition is still a deadly enemy. The stock market's antics have also been blamed.

"Ordinarily a drop in business would not be cause for worry, inasmuch as there are cycles in receipts as in all things, but this year there is a different side to the story. Expenses have gone up. Employees are unionized. Pictures cost more money. More houses are open.

"On the distribution side, the overhead is also higher. In the production division, money has been spent like never before. Hollywood needs more cash than ever, to waste or to use.

"It does not seem that pictures are much worse or better than before. The proportion of hits seems to be about the same. Perhaps all the top-notchers are not doing top notch business, but the proportion of the good ones to the bad does not seem to have changed.

"The so-called war scare might have an effect, but it would be hard to place one's finger on that alibi. Living expenses have gone up. That might be a good reason.

"In many spots, the games, bank nights, etc., do not have the same lure as before. Exhibitors declare that patrons, even on those nights, do not want to see poor pictures. They insist on better attractions. Perhaps the cycle is beginning to affect this department, too.

"Radio is a strong competitor. Torn between seeing a bad picture or listening to a good radio program, the answer is obvious. There also seems to be too much of a good thing as far as movie stars on the radio are concerned. This may be another case of milking the cow too often. Having listened to stars talk on the air so often, desire to see them on the screen may not be as strong as if the air outlets weren't available.

"Business is off, at this writing. It has already set the exhibitors worrying, with the distributors and then the producers next in line. It is to be hoped that there will be a change for the better before it gets too serious."

# TWO SCHOOLS OF THOUGHT ON THE QUESTION OF BROADCASTS

A few exhibitors are of the opinion the program broadcast by MGM on Thursday nights is so "terrible" that, when the novelty is worn off, the present harmful effects on the theatre receipts on those nights will disappear entirely. They say that, unless it is improved, they would rather have it on than off, for, according to them, people will not listen in when it is on. As a matter of fact, they are sure that, if it is kept on, radio broadcasting in general will be discredited.

But the followers of this school of thought forget one thing, that, if the MGM executives continue permitting their stars to broadcast, most of them will lose their drawing powers. In such an event, the box offices of all the theatres will suffer.

The wave of exhibitor opposition to the broadcasts by all producers continues to swell. Whether, however, this will have any effect on the producers is difficult to tell. If it will not, then it is up to the exhibitors to try, if they can, to take it out of the film rentals.

In connection with this matter, Mr. Abram F. Myers, general counsel of Allied States, issued the following statement recently:

"Some organizations and leaders are devoting more time to broadcasting by movie stars than to really serious abuses. The argument advanced is that the free entertainment thus afforded tends to keep patrons from the theatre. Of course, this applies to all broadcasting and since that can not be stopped maybe it is better that some stars occupy the available channels than more accomplished radio entertainers who would provide tougher competition.

"So long as broadcasting means ready money to the stars, their agents and (dare we suggest it?) the producers to whom they are under contract, exhibitor squawks are going to be ignored. The only argument that can have any weight is one addressed to the cupidity—not the fairness—of those responsible for the stars being on the air.

"In this connection there is a serious question whether radio broadcasting by stars is not costing the industry millions due to loss of popularity resulting from the inability of such stars to project their personalities (their only stock in trade) over the air waves. It hardly seems fair to name one out of so many, but in choosing Fred Astaire we are selecting a star who possesses great popularity with the theatre owners and thus we are absolved from any suspicion of malice.

"RKO after disappointing its customers for many years finally found in Fred Astaire a big money star who clicked with regularity. Fred's principal assets are his dancing and his funny facial expressions and movements in doing and saying things. Any hill-billy would say of him that 'he can't sing for nuthin'. But he was signed up by Packard for a full hour's program each week and he embarked on a new enterprise in which he was deprived of the use of his only assets. He would have been bad enough by himself; appearing with such a skillful radio performer as Charlie Butterworth, he seemed terrible. Since his appearance on the air his pictures have slipped at the box office; and now, to bolster his waning popularity, his co-star has been dropped and Fred is appearing with Gracie Allen.

"Just a few nights ago Louella Parsons, by arrangement with RKO, presented Fred Astaire on the radio in snatches from his new picture 'Damsel in Distress.' Now for the sake of RKO, Fred Astaire and RKO's customers, this picture had better be good. There is no clear indication as yet that it is not good. Certainly it could not possibly be as bad as it was made to appear by this broadcast. We hope that all RKO officials, including that experienced showman and keen business man, Ned Depinet, were listening in and that they pondered well what a terrible blow had been dealt their picture, their star and the company's prestige.

"These bulletins ordinarily do not devote much space to matters of this kind. We make this exception because we think we have something here. We hope that others in a better position to do so will make a complete list of movie stars who have given bad performances over the air due to their lack of talent in this medium. They should then go further and ascertain to what extent those stars have diminished as box office attractions. We are convinced that, based on the facts disclosed, the producers will stipulate that their stars shall not go on the air unless they have displayed such aptitude for broadcasting that they will not risk their box office value by doing so. This will eliminate all but a few, most of whom came to the movies from radio, and will save the industry oodles of money."

#### THE LAWYERS SPEAK AGAIN

According to some Paramount lawyer, Paramount will not drop its legal action against those Philadelphia exhibitors who went on a play-date and buying strike against Paramount. His company, he said, is going to push this legal fight to the limit so that the exhibitors may not resort to such methods again.

If this statement represents the feelings of the Paramount Pictures Corporation, one is compelled to assume that the executives of Paramount, the practical business men of the company, have again surrendered the leadership to lawyers.

It was thought that the settlement of this controversy had settled everything; but a Paramount lawyer says it has not.

Paramount has nothing to gain from stirring trouble, but much to lose, for it may cause so much bitter feeling among those exhibitors who have not yet bought Paramount product for the 1937-38 season that they may not buy it at all, and more exhibitors may refuse to make a deal for next season's product. The strike has proved to many of them that they can keep their theatre operating profitably without Paramount pictures.

Neil Agnew was going to attend the Ohio exhibitors' convention in Columbus this week. Perhaps he was to be asked to make the position of his company clear; and since his decision to attend the convention was prompted, no doubt, by a desire to recapture most of the good will his company has lost as a result of this fight, he may find himself in an embarrassing position. If he is in agreement with the statement made by this lawyer, then his desire to recapture the exhibitor good will will prove to be inconsistent with his actions.

The laymen executives of Paramount should look into their sales books to find out how many of their accounts have so far failed to buy Paramount pictures before allowing any of their company's lawyers to say what they would or would not do to the ex-strikers; they may get the shock of their lives.

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No. 51

### Box Office Performances of 1937-38 Season's Pictures - No. 1

This is the second series of articles giving the box office performances of 1937-38 season's pictures. The first series was printed beginning with the October 23 issue:

#### Columbia

"Life Begins With Love," with Douglass Montgomery, Jean Parker, and Edith Fellows, produced by Myles Connolly and directed by Raymond M. McCarey, from a screen play by Thomas Mitchell and Brown Holmes: Fair-Poor.

"The Awful Truth," with Irene Dunne, Cary Grant, and Ralph Bellamy, produced by Everett Riskin and directed by Leo McCarey, from a screen play by Vina Delmar: Excellent.

"Murder in Greenwich Village," with Richard Arlen, Fay Wray, and Raymond Walburn, produced by Wallace MacDonald and directed by Albert S. Rogell, from a screen play by Michael L. Simmons: Fair-Poor.

"Trapped By G-Men," with Jack Holt and Wynne Gibson, directed by Lewis D. Collins, from a screen play by Tom Kilpatrick: Fair-Poor.

"Paid to Dance," with Don Terry and Jacqueline Wells, produced by Ralph Cohn and directed by C. C. Coleman, Jr., from a screen play by Robert E. Kent: Fair-Poor.

"The Old Wyoming Trail," with Charles Starrett and Barbara Weeks, produced by Harry L. Decker and directed by Folmer Blangsted, from a screen play by Ed Earl Rett: Fair-Poor.

"Hollywood Roundup," with Buck Jones and Helen Twelvetrees, produced by L. G. Leonard and directed by Ewing Scott, from a screen play by Joseph Hoffman and Monroe Shaff: Fair.

"She Married An Artist," with John Boles, Luli Deste, and Frances Drake, produced by Sidney Buchman and directed by Marion Gering, from a screen play by Gladys Lehman and Delmer Daves: Good-Fair.

Grouping the pictures of the different ratings from the beginning of the present season, we get the following results:

Excellent, 2; Good to Fair, 1; Good to Poor, 1; Fair, 2; Fair to Poor, 6.—Altogether, 12 pictures.

The first 12 of the 1936-37 season, excluding the westerns, were rated as follows:

Excellent, 1; Very Good, 1; Very Good-Good, 1; Good, 2; Fair, 1; Fair-Poor, 2; Poor, 4.

This season's program seems so far to be somewhat inferior in box office values.

#### First National 1937-38

"Over the Goal," with June Travis and William Hopper, produced by Bryan Foy and directed by Noel Smith, from a screen play by William Jacobs and Anthony Coldeway: Fair-Poor.

"The Perfect Specimen," with Errol Flynn, Joan Blondell, Beverly Roberts, Edward Everett Horton and Hugh Herbert, produced by Harry Joe Brown and directed by Michael Curtiz, from a screen play by Norman Reilly Raine, Lawrence Riley, Brewster Morse, and Fritz Falkenstein: Very Good-Good.

"Alcatraz Island," with John Litel, Ann Sheridan, Mary Maguire, and Gordon Oliver, produced by Bryan Foy and directed by William McGann, from a screen play by Crane Wilbur: Good-Fair.

"Adventurous Blonde," with Glenda Farrell, Barton MacLane, and Anne Nagel, produced by Bryan Foy and directed by Frank MacDonald, from a screen play by Robertson White: Fair. "Submarine D-1," with Pat O'Brien, George Brent, Wayne Morris, and Doris Weston, produced by Hal B. Wallis and directed by Lloyd Bacon, from a screen play by Frank Wead, Warren Duff, and Lawrence Kimble: Very Good-Good.

"Sh! The Octopus," with Hugh Herbert, Allen Jenkins, Marcia Ralston and John Eldredge, produced by Bryan Foy and directed by William McGann, from a screen play by George Bricker: Good-Fair (mostly Fair).

"Missing Witnesses," with John Litel, Dick Purcell. and Jean Dale, produced by Bryan Foy and directed by William Clemens, from a screen play by Kenneth Gamet and Don Ryan: Fair.

"She Loved a Fireman," with Dick Foran, Ann Sheridan, and Robert Armstrong, produced by Bryan Foy and directed by John Farrow, from a screen play by Carlton Sand and Morton Grant: Fair.

Twelve pictures have been released under this brand since the beginning of the season, rated as follows:

Very Good-Good, 2; Good, 2; Good-Fair, 3; Fair, 4; Fair-Poor, 1.

The first 12 of the 1936-37 season were rated as follows:

Very Good-Good, 1; Good, 3; Good-Fair, 3; Fair, 2; Fair-Poor, 2; Poor, 1.

About a stand-off.

#### 1936-37

"West of Shanghai," with Boris Karloff, Beverly Roberts, and Ricardo Cortez, produced by Bryan Foy and directed by John Farrow, from a screen play by Crane Wilbur: Fair.

Metro-Goldwyn-Mayer

"The Bride Wore Red," with Joan Crawford, Franchot Tone, Robert Young, Billie Burke, and Reginald Owen, produced by Joseph L. Mankiewicz and directed by Dorothy Arzner, from a screen play by Tess Slesinger and Bradbury Foote: Good (some reported Fair-Poor).

"Double Wedding," with William Powell, Myrna Loy, John Beal, and Florence Rice, produced by Joseph L. Mankiewicz and directed by Richard Thorpe, from a screen play by Jo Swerling: Very Good-Good.

"Live, Love and Learn," with Robert Montgomery, Rosalind Russell, Robert Benchley, and Helen Vinson, produced by Harry Rapf and directed by George Fitzmaurice, from a screen play by Charles Brackett, Cyril Hume, and Richard Malbaum: Good-Fair.

"Conquest," with Greta Garbo, Charles Boyer, Henry Stephenson, and Reginald Owen, produced by Bernard H. Hyman and directed by Clarence Brown, from a screen play by Samuel Hoffenstein, Salka Viertel, and S. N. Behrman: Good (some reports had it as Very Good, but some only as Fair).

"The Firefly," with Jeanette MacDonald, Allan Jones, and Warren William, produced by Hunt Stromberg and directed by Robert Z. Leonard, from a screen play by Frances Goodrich and Albert Hackett: Very Good-Good.

"The Last Gangster," with Edward G. Robinson, James Stewart, Rose Stradner, and Lionel Stander, directed by Edward Ludwig, from a screen play by John L. Mahin: Very Good-Good.

"Navy Blue and Gold," with Robert Young, James Stewart, Florence Rice, and Tom Brown, produced by Sam Zimbalist and directed by Sam Wood, from a screen play by George Bruce: Very Good-Good.

#### "Beg, Borrow or Steal" with Frank Morgan, Florence Rice and John Beal

(MGM, Dec. 10; time, 71 min.)

Better than average program entertainment. The settings are much more lavish than one ordinarily finds in "B" pictures, and the story, although not novel, offers plentiful comedy and human appeal. In addition, the combination of comedians such as Frank Morgan, Herman Bing, Erik Rhodes, E. E. Clive, and George Givot should mean something at the box-office. Frank Morgan not only handles the comedy situations in his customary style, provoking many laughs by the methods he employs to make a living, but wins one's sympathy by his efforts to help his daughter. The situation in which he confesses that he was a fraud, his confession being prompted by a desire to break up his daughter's marriage to a man she did not love, brings tears to the eyes. But comedy predominates:—

Morgan, who had been separated from his wife (Janet Beecher) and daughter (Florence Rice) for many years, and who had been making his living in Paris by his wits, finds himself in a predicament when his wife, who believed what he had written to her about his wealth and about his owning a chateau, accepts his invitation for their daughter to be married in his imaginary chateau. Being penniless, he pleads with John Beal, supposedly caretaker of a chateau, to permit him to use the estate until the wedding was over; Beal consents. Morgan brings to the chateau all his fake cronies, who pose as titled men of means. His wife and daughter arrive with the prospective bridegroom and with his parents, and are thrilled with everything. Beal falls madly in love with Miss Rice, as she does with him; but when she learns the truth about her father she decides to go on with her plans to marry her practical wealthy suitor (Tom Rutherford), so as to protect her father. Morgan, realizing that she loved Beal, tells Rutherford and his parents who he really was; they leave the house in disgust. Beal then confesses that he was a Count, and that he owned the chateau. Miss Rice joyfully rushes to his arms, for not only did she get the man she loved, but her father was safe.

father was safe.
William C. White wrote the story, and Leonard Lee,
Harry Ruskin, and Marion Parsonnet, the screen play;
William Thiele directed it, and Frederick Stephani produced it. In the cast are Cora Witherspoon, Reginald Denny, and others.

Suitability, Class A.

#### "Prescription for Romance" with Wendy Barrie, Kent Taylor and Mischa Auer

(Universal, Dec. 12; time, 64½ min.)

Mild program fare. If it weren't for Mischa Auer's clowning, it would be somewhat boresome, for the action is not particularly exciting. It is difficult for one to take the far-fetched plot seriously, in spite of the efforts of the playes to make the action realistic; their efforts are wasted. Where Mischa Auer is well liked this may go over, for he does provoke many laughs. Wendy Barrie and Kent Taylor make a pleasant romantic team:—

Taylor, private detective for the Bankers Protective Association, follows Henry Hunter, an embezzler, who had fled from New York to Budapest, Hungary. Arrested and kept in prison by the Budapest police who had mistaken him for Hunter, Taylor is agreeably surprised when he receives a visit from Miss Barrie, an American doctor, stationed at a Budapest hospital; she had gone to the prison to see Hunter, an old friend, who had, as she thought, been arrested. She helps Taylor obtain his release. Realizing that through her he would find Hunter, Taylor does not leave her out of his sight. But she refuses to believe that Hunter was a crook and informs Taylor she would do everything in her power to shield her friend when she found him. Hunter shows up at her apartment; swearing that he was innocent, he wins her help. She sends him to the mountain lodge of a doctor friend, and promises to follow him there. Taylor, with the aid of Frank Jenks, a newspaper friend, and Auer, Jenks' blundering assistant, manages to meet Miss Barrie on the train and to continue the journey with her. He promises to help Hunter if, as she said, he were innocent. Miss Barrie finally realizes that Hunter was guilty, and so assists Taylor in capturing him. With the prisoner safely in the hands of the police, Taylor is able to devote all his time to Miss Barrie.

John Reinhardt and Robert Neville wrote the story, and James Mulhauser, Robert Shannon, and Albert R. Perkins, the screen play; S. Sylvan Simon directed, and Edmund Grainger produced it. Dorothea Kent and others are in

the cast. Suitability, Class A.

#### "She Married an Artist" with John Boles, Luli Deste and Frances Drake

(Columbia, Nov. 25; running time, 78 min.)

Fair! There wasn't much to begin with in the story "I Married an Artist," from which this was adapted, and the alterations made have not proved of much help. It is a mildly entertaining domestic comedy, with a slight triangle twist, that moves along at a leisurely pace. The settings are lavish, and the periormances good; but the story just lacks excitement. Luli Deste, Columbia's new importation, makes a favorable impression; she has poise and just a slight trace of an accent. The romance, with its ups and downs, although of a familiar pattern, is pleasant:—

Miss Desti, a famous French designer, arrives in New York for a fashion show; but her real wish was to renew her acquaintance with John Boles, a famous illustrator, with whom she had become acquainted five years previously, and with whom she had fallen in love. Their meeting renews the old love, and after a hectic evening they are married. Because of a seamen's strike, they are unable to sail for Europe on their honeymoon, and so Boles plunges into his work again. Because Miss Desti was jealous of Frances Drake, who had been Boles' model for years, Boles discharges Miss Drake and decides to use his wife as his model. It does not, however, work out; Boles, losing spirit, is unable to finish his work. Miss Desti decides to leave him; but first she goes to Miss Drake and pleads with her to fly to Chicago, there to meet Boles so as to help him complete his work for a magazine cover. Miss Drake does so; Boles is overjoyed when he sees her. After reading a newspaper item about his wife's obtaining a divorce because of his temperament, he rushes back to New York, where he finds that his trusted housekeeper (Helen Westley) had purposely put the item in the paper, hoping thereby to bring the young couple together again. Her plan works; a reconciliation follows.

The plot was adapted from the Saturday Evening Post story by Avery Strakosch; Gladys Lehman and Delmar Daves wrote the screen play, Marion Gering directed it, and Sidney Buchman produced it. In the cast are Alexander D'Arcy, Albert Van Dekker, Marek Windheim, and others.

Suitability, Class A.

#### "All American Sweetheart" with Scott Colton and Patricia Farr

(Columbia, Nov. 30; time, 62 min.)

A moderately entertaining program college picture, with rowing instead of football as the major sport. The players are not strong enough to carry the routine story, which is developed according to a formula. Gangster gamblers supply the menacing touch; they attempt to force the hero to throw races. One feels some sympathy for the hero, who, in order to help a pal, who had become involved with the gamblers, leads his schoolmates to believe that he had been taking bribes. The race in the end, where the hero strokes, despite his pain caused by two broken ribs, holds one in fair suspense. Patricia Farr is fairly appealing as the heroine:—

Although Scott Colton was an outstanding athlete, he refuses to row on the crew, preferring to give all his time to studies. Miss Farr, his college sweetheart, finally convinces him that he owed something to his college, particularly since they were willing to give him a scholarship. In this way, he would not have to work at menial jobs. When Jimmy Eagles, coxswain of the crew, gambles away the \$300 school fund entrusted to him, Colton enters into an agreement with the night club owner (Athur Loft) by which Loft would advance the \$300 on a check signed by Eagles, which would be met when his parents would return from Europe. College students suspect Colton of taking bribes from Loft. But Loft, despite his promises to the contrary, deposits the check. Consequently, the bank returns it marked "insufficient funds." By using this as a club over the boys, he tries to compel them to throw the races. In a fierce fight with Loft, Colton gets the check back. Although he had suffered two broken ribs in the fight, Colton goes on with the race, winning for his team; he collapses at the end. His college friends call to see him at the hospital, to apologize for their suspicions.

Robert E. Kent wrote the story, and Grace Neville, Fred Niblo, Jr., and Michael L. Simmons, the screen play; Lambert Hillyer directed it, and Wallace MacDonald produced it. In the cast are Gene Morgan, Joe Twerp, and others.

Because of the gambling, some exhibitors may find it unsuitable for children; harmless for adults, Class B.

#### "True Confession" with Carole Lombard and Fred MacMurray

(Paramount, Dec. 24; time, 83 min.)

Very good in box-office possibilities because of the drawing power of the stars, who, incidentally, give excellent performances. But, because of the fauciful story, it should appeal more to sophisticated audiences than to the masses. In order to be enjoyed, it has to be taken in the nonsensical spirit in which it was meant, for it laughs at conventions, and burlesques murders and courtroom pro-cedure. There are several extremely comical situations, brought about by Miss Lombard's uncontrollable impulse to tell lies. One of the most anusing situations is that in which she, in order to prevent a collector from taking away a typewriter for which she had not paid, tells him that her husband was insane, obsessed with the belief that the typewriter was his child; she so frightens him that he runs away without the typewriter. It is to Miss Lombard's and John Barrymore's credit that the laughs are provoked as often as they are, for they throw themselves into the senseless situations with complete abandon:

Miss Lombard, married to Fred MacMurray, a struggling lawyer, decides to go to work as a secretary to an old family friend, despite her husband's objections. While interviewing her new employer, she realizes his intentions were not honorable, and so rushes out of his house, leaving her hat and purse. Later she, in company with her friend (Una Merkel), returns for her belongings, only to find the place filled with police; she learns that the man had been murdered. Her imagination runs away with her, and before she knew what was happening she "confesses" to the murder and is arrested. Realizing that it was a chance for her husband to become famous, she goes on with the hoax, begging him to defend her. Believing in her, he goes into the trial fighting for his wife's life. The jury finds her not guilty. The publicity brings fame and money to both MacMurray and Miss Lombard. Things look bad for a time when Barrymore, a self-styled criminologist, knew that Miss Lombard was innocent, tries to bribe her. MacMurray frightens him away. At the same time he, having learned the truth, is disgusted and tells Miss Lombard he would leave her. By telling one of her lies, she again wins him back, promising to give up lying forever. Louis Verneuil and Georges Berr wrote the story, and Claude Binyon, the screen play; Wesley Ruggles directed it, and Albert Lewin produced it. In the cast are Porter Hall. Edgar Kennedy, Lynne Overman, and others.

Hall, Edgar Kennedy, Lynne Overman, and others. Not for children or adolescents. Good for adults. Class B.

#### "Hitting a New High" with Lily Pons, Jack Oakie and John Howard

(RKO, Dec. 24; time, 84½ min.)
The main attraction is Lily Pons' glorious voice, which thrills one; but she is hampered by a silly story, which requires her to enact a comedy part she is not suited for. Its appeal should, therefore, be directed mostly to music lovers, who may enjoy Miss Pons' rendition of different arias and even of popular numbers. Despite the efforts of such good comedians as Jack Oakie, Eric Blore, and Edward Everett Horton, it is only on occasion that their actions provoke hearty laughter. Where Miss Pons is well liked, this should give satisfaction:

Horton, an American millionaire impressario, while in Paris preparing for a big game hunt in Africa, is annoyed by the many attempts of Miss Pons, a cafe singer with operatic ambitions, to see him. Oakie, his publicity manager, having heard Miss Pons' glorious voice, conspires with her to trick Horton into giving her a contract. He sends her to the African jungles, and so arranges things that when Horton arrives the natives pretend to be frightened because of a mysterious bird girl who sang like a bird; this naturally excites his interest. He is thrilled when he hears her voice, and orders Oakie to capture her. They take her back to America, where, under the tutelage of a famous teacher, she "develops" into a wonderful singer; but, in order to keep Horton fooled, she is compelled to talk and act like the bird-girl. Her sweetheart (John Howard) with whom the background of the property of the sweetheart of the same and the sweetheart of the sweetheart (John Howard) with whom the background of the sweetheart of the swee ard), with whom she had quarreled in Paris, and who was opening with his band at a New York night club where she was supposed to sing, hears her voice over the radio and rushes to see her. He threatens to expose her unless she sang with his band. Oakie helps her to get out each night to sing at the cafe, without Horton's finding out anything about it. Everything finally comes to light. Enraged Horton is heartbroken when Miss Pons decides to give up her operatic aspirations to remain with her sweetheart and the band.

Robert Harari and Maxwell Shane wrote the story "Born to Sing," from which this was adapted, and Gertrude

Purcell and John Twist, the screen play; Raoul Walsh directed it, and Jesse L. Lasky produced it. In the cast are Eduardo Ciannelli, Luis Alberni, and others. Suitability, Class A.

#### "Sh! The Octopus" with Hugh Herbert and Allen Jenkins

(First National, Dec. 11; time, 54 min.)

Hugh Herbert and Allen Jenkins manage, between them, to make this burlesqued murder-melodrama pretty comical at times. The whole thing is, however, so ridiculous that it is doubtful if any but the Herbert fans will find it entertaining. It is not until the end that one understands what it is all about, for there it is shown that what had preceded had been a dream Herbert was having. Where audiences are easily entertained, this should give satisfaction.

In the development of the plot, Herbert and Jenkins, two detectives, find themselves out on a lonely road on a stormy night. Herbert is eager to get home because his wife was expecting a baby. But when a young girl, presumably frightened, approaches them and begs for their help in finding her step-father, who had been trapped by "The Octopus," they decide to unravel the mystery. Their investigations lead them to a lonely lighthouse, where other persons show up. Many mysterious things happen, and "The Octopus" puts in occasional appearances. Just at "The Octopus" puts in occasional appearances. Just at the end, when the lighthouse explodes, Herbert awakens at the hospital where his wife was confined and where, owing to his nervousness, he had fainted.

The plot was adapted by Ralph Spence, from the play by Ralph Murphy and Donald Gallagher; George Bricker wrote the screen play, William McGann directed it, and Bryan Foy produced it. In the cast are Marcia Ralston, John Eldredge, George Rosener, and others.

Children may be frightened; otherwise suitable. Class A.

#### "She Loved a Fireman" with Dick Foran, Ann Sheridan and Robert Armstrong

(First National, Dec. 18; time, 57 min.)

Moderately entertaining program fare. The picture is hampered by a trite plot and excessive dialogue. It may, however, find favor with audiences who enjoy wild melodramas, for the fire sequences are pretty exciting. The closing scenes, where the hero rescues a fireman who had been trapped on the roof of a burning building, offers the real thrills; there one is held in suspense.

In the development of the plot, Dick Foran joins the fire department, being assigned to Robert Armstrong's station. He and Armstrong are bitter enemies, for Armstrong resented his conceited manner. Armstrong is enraged when he finds Foran paying a visit to his sister (Ann Sheridan). After a fist fight, he throws Foran out. But this does not stop Foran from seeing Miss Sheridan. In order to keep an appointment with her, he induces his pal (Eddie Acuff) to take his place at the fire station. Rushing out with the company to cover an alarm, Acuff, hanging on to the ladder which had not been properly fastened by Foran, falls and is severely injured. Foran is brought before the Board for his negligence, and at Armstrong's request is transferred from his station. The accident had sobered up Foran so much that it imbued him with a determination to make good. He finally gets his chance to show his heroism when, at a four-alarm fire, he risks his life to save Armstrong, who had been trapped on the roof of a burning building. Their enmity naturally ceases; and Armstrong gives his consent that his sister marry Foran.

Carlton Sand and Morton Grant wote the original screen play; John Farrow directed it, and Bryan Foy produced it. In the cast are Veda Ann Borg, May Beatty, and others. Suitability, Class A.

#### A WORD OF WISDOM TO THE **PRODUCERS**

On Monday of last week, Attorney General Homer S. Cummings, in a speech made here, emphasized the need of adopting Federal legislation against monopolies, with adequately financed enforcement machinery. He said partly:

"Big business is moving blindly but with accumulating acceleration down the road leading to ultimate government supervision.

The exhibitor sentiment seems to be in favor of such supervision: speaking at the annual convention of the Ohio exhibitors at Columbus, on Tuesday, December 8, Nathan Yamins, president of Allied States Association, spoke in favor of government supervision. He said that he preferred government control rather than control by the present producer set-up.

"Thoroughbreds Don't Cry," with Mickey Rooney, Judy Garland, Ronald Sinclair, Sophie Tucker, and C. Aubrey Smith, produced by Harry Rapf and directed by Alfred E. Green, from a screen play by Lawrence Hazard: Good.

Twelve pictures have been released since the beginning of the season; they are rated as follows:

Very Good-Good, 5; Good, 4; Good-Fair, 2; Fair, 1. The first 12 of the 1936-37 season were rated as follows:

Very Good, 2; Good-Fair, 1; Fair, 6; Fair-Poor, 2; Poor, 1.

There has been a decided improvement this season.

## FRANK LLOYD'S REASONS FOR ABANDONING BIG PICTURES

While in New York early this month, Frank Lloyd, the famous director, gave a statement to the newspapers, the gist of which was the impossibility of making spectacular films, because of the expense now involved in hiring extras.

That this statement sounded peculiar to the newspaper men may be evidenced by the opening paragraph of Mr. William Boehnel's article in the World-Telegram: "Many strange reasons have been advanced for not producing spectacular films," said he, "but one of the most startling comes from Frank Lloyd—he gave the screen such lavish productions as 'Mutiny on the Bounty,' 'Cavalcade' and others—who is through making 'epics' because the extras are too expensive."

The following is a quotation from Mr. Lloyd's statement:

"Nowadays it costs a fortune to employ unskilled labor, which is what extras are. In the old days, we used to be able to get them for \$3 and \$5 a day. Today labor costs are terrific. The average extra gets \$8 for an eight-hour day, which begins the moment he reports at the studio and ends when he checks out there.

"If I ask one of them to say, 'Hello there, Jim,' during a scene, he automatically becomes an actor, and his daily salary goes up to \$25. The cost of extras in 'Wells Fargo' is staggering. Because of the magnitude of the film I had to employ 2,000 of them, the lowest paid of whom receives \$8 for a day's work. Actually they worked only five hours, because it took an hour to transport them from the studio to the Paramount Ranch, an hour for lunch and an hour to get them back to the studio.

"Add up their salaries, plus the cost of transportation, the cost of make up and costumes, not to mention other incidentals such as food, and the cost of using extras for that one day was well over \$50,000. And yet the production demanded it, because it was geared up to that scale. The only thing to do with 'epics' is to limit their scope. If they can't be adjusted to a smaller scale of cost, they should be discarded."

Since the issuing of this statement was made around the time Paramount held a trade showing of "Wells Fargo," it is reasonable to assume that Mr. Lloyd issued it for the purpose of bringing the picture to the attention of the public, so that a desire might be created in them to see it.

What has he really told the public? Several things. Let us take them one at a time:

- (1) Because it costs too much money to hire extras, he is not going to make big pictures any longer, "Wells Fargo" being the last one; and, by inference, that the other directors, too, and the industry in general, will stop making big pictures. Consequently, after "Wells Fargo" the pictures-goers are going to see only smaller pictures.
- (2) The extras receive too much money when they demand \$8 a day instead of \$5, the amount they received before. They should be satisfied with \$5.
- (3) "Wells Fargo" cost \$1,500,000, and \$50,000 for the extras has proved too much. Such a cost for extras may break any company. Hence the decision to abandon production of \$1,000,000 or \$1,500,000 productions.

When about four years ago the industry was struck by a wave of economy, many producers got together, under the chairmanship of Pat Casey, head of the labor department of the producers, to determine where they could cut down, what salaries they could reduce. Different studio heads made different recommendations. The recommendation Harry Cohn, of Columbia, made was that the salaries of the workers in the laboratories, who were probably receiving anywhere from fourteen to twenty dollars a week, be cut down two dollars a week.

What Pat Casey told Harry Cohn at that time in answer to that recommendation made me yearn to grab Pat's hand and squeeze it until every bone of it almost broke. I wish Pat Casey were there when the Lloyd statement was framed.

Of the millions of people who go to the theatres weekly, the greatest number are workers. Most of them either work at low wages or don't work at all. For him, then, to tell these suffering folk that \$8 a day for extras, when such extras work probably no more than two days a week, is too much cannot help creating resentment in their hearts. And neither Mr. Lloyd nor any one else in the industry can afford to create such a resentment, particularly when most of them know of the waste that is going on in Hollywood.

### CAN PARAMOUNT AFFORD A CAMPAIGN OF REPRISALS?

In dealing with the decision of the Paramount lawyers to prosecute the strike leaders in Philadelphia in last week's issue, I stated that the Paramount executives, before embarking upon a policy of reprisals, should look into their sales books to find out what effect the strike has had on their sales.

Because of the fact that many people resent advice given gratuitously, even though with good will, I have a suspicion that the Paramount executives have not carefully looked into their books. For this reason I am going to give some facts myself:

The Baltimore News-Post gives every day the pictures that play in all the Baltimore theatres. The issue of Thursday, October 14, contained the programs of fifty-seven theatres; and since it is a single feature territory (except in two cases), of fifty-nine feature pictures. Of the fifty-nine only one new feature was a Paramount—"Blonde Trouble," playing at the Hampden Theatre; and two theatres played, as a second feature, an eight-year-old Paramount picture, "Sweeties,"—the Garden and the Flynn.

And this is not all: a check up in New Jersey has told another similar story. The facts will be printed in one of the forthcoming issues.

If the Paramount executives, instead of allowing the lawyers to talk them into going after the strike leaders, devoted their efforts toward recapturing the lost exhibitor good will, they would be rendering their company a greater service. But they seem not to have done so, and the fear is that the strike, which was abandoned when the exhibitors thought that the settlement had wiped out every score, will be resumed, with the result that the Paramount organization will prove the loser in the end. No company, in any industry, and above all the motion picture industry, can afford to fight its customers, even if it is as strong as Paramount, particularly when it is putting out a product much poorer than last season, and of lesser quality than that put out by rival companies, not even as strong as Paramount. Let us examine the facts:

In the check-up of the box office performances of the Paramount pictures, which I have just made, and which will appear in next week's HARRISON'S REPORTS, the first 24 pictures of the 1937-38 season show that there is none of Excellent rating, whereas there was 1 in the last season's first 24; and none of Excellent-Very Good, whereas there were 2 in last season's. And the lower grades show a similar fall off in quality.

Remember the first 24 pictures were produced before the decision to cut down production budgets was made; imagine what the quality of the Paramount pictures may turn out to be with curtailed budgets.

These are the facts that make it difficult, if not impossible, for Paramount to continue a campaign of reprisals against those exhibitor leaders who lead the revolt against the Paramount injustices—facts which the Paramount executives seem reluctant to face.

HARRISON'S REPORTS hopes that the Paramount executives will announce the abandonment of the policy of reprisals before there is a resumption of the exhibitor aloofness in considering the purchase of Paramount pictures, as is bound to be if no such abandonment is announced. Paramount has lost hundreds of thousands of dollars by not selling its 1937-38 pictures to the exhibitors in the beginning of the season, before the depression set in, for no exhibitor now will pay for Paramount pictures as much as he would have paid in the beginning of the season.

Harrison's Reports extends to its readers and subscribers the greetings of the season.

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### Box Office Performances of 1937-38 Season's Pictures - No. 2

#### Paramount

"She Asked for It," with William Gargan and Orien Hayward, produced by George Auerbach and directed by Erle C. Kenton, from a screen play by Howard I. Young: Poor.

"Bulldog Drummond Comes Back," with John Barrymore, John Howard, and Louise Campbell, directed by Louis King, from a screen play by Edward T. Lowe: Fair-Poor.

"High, Wide and Handsome," with Irene Dunne, Randolph Scott, Dorothy Lamour, and Charles Bickford, produced by Arthur Hornblow, Jr., and directed by Rouben Mamoulian, from a screen play by Oscar Hammerstein, II: Good (some reported fair business).

"Partners in Crime," with Lynne Overman, Roscoe Karns, Anthony Quinn, and Muriel Hutchison, directed by Ralph Murphy, from a screen play by Garnett Weston: Fair-Poor.

"This Way Please," with Charles Rogers, Betty Grable, Porter Hall, Ned Sparks, and Lee Bowman, produced by Mel Shauer and directed by Robert Florey, from a screen play by Grant Garret, Seena Owen, and Howard J. Green: Fair.

"Thunder Trail," with Gilbert Roland and Marsha Hunt, directed by Charles Barton, from a screen play by Robert Yost and Stuart Anthony: Good-Fair.

"Angel," with Marlene Dietrich, Herbert Marshall, and Melvyn Douglas, produced and directed by Ernest Lubitsch, from a screen play by Samson Raphaelson: Good-Poor.

"Hold 'Em Navy," with Lew Ayres, Mary Carlisle, and John Howard, directed by Kurt Neumann, from a screen play by Erwin Gelsey and Lloyd Corrigan: Fair.

"The Barrier," with Leo Carrillo, Jean Parker, James Ellison, and Robert Barrat, produced by Harry Sherman and directed by Lesley Selander, from a screen play by Bernard Schubert: Good-Fair.

"Night Club Scandal," with John Barrymore, Lynne Overman, Louise Campbell, Charles Bickford, and Harvey Stephens, directed by Ralph Murphy, from a screen play by Lillie Hayward: Fair.

"Thrill of a Lifetime," with Dorothy Lamour, Yacht Club Boys, Eleanore Whitney, and Johnny Downs, produced by Fanchon and directed by George Archainbaud, from a screen play by Seena Owen, Grant Garrett, and Paul Gerard Smith: Poor.

"Ebb Tide," with Oscar Homolka, Frances Farmer, Ray Milland, and Barry Fitzgerald, produced by Lucien Hubbard and directed by James Hogan, from a screen play by Bertram Milhauser: Very Good-Fair.

"Texas Trail," with William Boyd and Judith Allen, produced by Harry Sherman and directed by Dave Selman, from a screen play by Jack O'Donnell: Good-Fair.

"Blossoms on Broadway," with Edward Arnold, Shirley Ross, and John Trent, produced by B. P. Schulberg and directed by Richard Wallace, from a screen play by Theodore Reeves: Poor.

"Love on Toast," with Stella Ardler, John Payne, and Luis Alberni, produced by Emanuel Cohen and directed by E. A. Dupont, from a screen play by Richard Connell, Jane Storm, and Doris Malloy: Fair-Poor.

"Born to the West," with John Wayne and Marcia Hunt, directed by Charles Barton, from a screen play by Stuart Anthony and Robert Yost: Fair.

Twenty-four pictures have been released since the beginning of the season, rated as follows:

Very Good, 1; Very Good-Good, 1; Very Good-Fair, 1; Good, 2; Good-Fair, 3; Good-Poor, 1; Fair, 7; Fair-Poor, 5; Poor, 3.

The first 24 of the 1936-37 season, excluding westerns, were rated as follows:

Excellent, 1; Excellent-Very Good, 2; Very Good, 1; Very Good-Good, 2; Good, 3; Good-Fair, 2; Fair, 3; Fair-Poor, 9; Poor, 1.

This season's box-office performances so far are below those of the 1936-37 season. Last season there were 1 Excellent and 2 Excllent-Very Good, whereas this season there is none. The "showing" this season begins with Very Good, with 1 picture. There was 1 picture of the same rating also last season. But there is only 1 of the Very Good-Good this season, whereas there were 2 in last season's group; and 2 Good, whereas last season there were 3.

If the "showing" is poor now, what will it be later on in the season, when the paring of the budgets will begin to "tell"?

#### RKO 1937-38 Season

"Forty Naughty Girls," with James Gleason and Zasu Pitts, produced by William Sistrom and directed by Eddie Cline, from a screen play by John Grey: Fair-Poor.

"Music for Madame," with Nino Martini, Joan Fontaine, Eric Blore, and Alan Mowbray, produced by Jesse L. Lasky and directed by John Blystone, from a screen play by Robert Harari and Gertrude Purcell: Fair.

"Saturday's Heroes," with Van Heflin, Marian Marsh, and Richard Lane, produced by Robert Sisk and directed by Edward Killy, from a screen play by Paul Yawitz, Charles Kaufman, and David Silverstein: Fair-Poor.

"Stage Door," with Ginger Rogers, Katharine Hepburn, and Adolphe Menjou, produced by Pandro S. Berman and directed by Gregory LaCava, from a screen play by Morrie Ryskind and Anthony Veiller: Excellent-Good (mostly Excellent).

"Fit for a King," with Joe E. Brown, Paul Kelly, and Helen Mack, produced and directed by Edward Sedgwick, from a screen play by Richard Flournoy: Fair.

"There Goes the Groom," with Burgess Meredith, Ann Sothern, and Onslow Stevers, produced by Albert Lewis and directed by Joseph Santley, from a screen play by S. K. Lauren, Dorothy Yost, and Harold Kusell: Fair.

"Fight for Your Lady," with John Boles, Jack Oakie, Ida Lupino, and Margot Grahame, produced by Albert Lewis and directed by Ben Stoloff, from a screen play by Ernest Pagano, Harry Segall, and Harold Kusell: Good-Fair.

"Victoria the Great," with Anna Neagie and Anton Walbrook, produced and directed by Herbert Wilcox, from a screen play by Charles deGrandcourt and Miles Malleson: Good-Fair.

"Living on Love," with James Dunn and Whitney Bourne, produced by Maurice Cohen and directed by Lew Landers, from a screen play by Franklin Coen: Poor.

"High Flyers," with Bert Wheeler, Robert Woolsey, and Lupe Velez, produced by Lee Marcus and directed by Eddie Cline, from a screen play by Benny Rubin, Bert Granet, and Byron Morgan: Poor.

The number of pictures RKO has released this season up to "High Flyers" is 12, rated as follows:

"Thank You, Mr. Moto" with Peter Lorre, Thomas Back and Jayne Regan

(20th Century-Fox, Dec. 24; time, 67 min.) This picture is more exciting than the first of the Moto series of pictures. Although wildly melodramatic and farfetched, the action is so fast that it holds one in tense suspense throughout. There are many murders committed, two of them by Mr. Moto (Peter Lorre) himself, in the line of duty and self-defense. No mystery is attached to the plot; the villains and their motives are made known at the very beginning. And so the excitement is provoked by the methods they employ to carry out their schemes. The closing scenes are thrilling. There is little human appeal.

In the development of the plot, several characters are shown attempting to obtain possession of seven priceless scroll paintings, six of which were in the hands of a Chinese Prince, who had refused to part with them because of family prode. These seven scrolls, when put together correctly, would form a map disclosing the whereabouts of the buried Genghis Khan fortune. Lorre (Mr. Moto), having come into possession of one of the scrolls, is naturally eager to get the others. But he finds himself up against gang of desperate criminals who would not stop at killing; they knew that the scrolls were the key to the fortune and were determined to get them. After several persons had been murdered, Lorre, at the risk of his own life, outwits the gang and gets the scrolls. Lorre, remembering his promise to the Chinese Prince, who had killed himself after his mother had been killed by the gangster who had stolen the scrolls, burns the scrolls so that the tomb might remain undisturbed.

John P. Marquand wrote the story, and Willis Cooper and Norman Foster, the screen play. Norman Foster directed it and Sol M. Wurtzel produced it. In the cast are Pauline Frederick, Sidney Blackmer, and others.

The murders make it unsuitable for children, Suitability, Class B.

#### "Wells Fargo" with Joel McCrea, Frances Dee and Bob Burns

(Paramount, Dec. 31; time, 115 min.)

Engrossing entertainment, centering around the building up of the express service industry in America. By cleverly combining exciting commercial enterprise with a love story that does not lose its charm during the thirty years that elapse in the unfolding of the story, the picture offers entertainment that has something for every type audience. It is a stirring story that "Wells Fargo" tells—of hardship, perserverance, and faith in an idea, of sacrifice and heart break, and of eventual success and happiness. This is all developed in a realistic manner, and in such a way as to hold one's interest well. There are several situations that thrill one. One such situation is where the hero and a small group of men fight off the Indians; another, is where McCrea avoids a panic by his masterly handling of a banking situation, and still another is in the meeting between soldiers of the North and of the South. McCrea's characterization of the courageous express company representative is very good; he wins one's sympathy and respect. Bob Burns, as a philosophical scout who shunned work, pro-

vokes many laughs:—

Henry Wells (Henry O'Neill) dreams of the day when his company, Wells-Fargo, could extend their express service across the country. He is surrounded by sceptics, who believed such a service to be impossible. Ramsey MacKay (Joel McCrea), the company's one-man worker, has faith in Wells' beliefs and sets out to cut new trails for the company. His first efforts lead him to St. Louis, where he establishes an office. He wins the faith of the miners and others when, after one of his trips to transport their gold during which he was held up by two renegades (Porter Hall and Lloyd Nolan), he informs his customers that he would make good the losses. He meets, falls in love with, and marries Justine Pryor (Frances Dee), a Southern belle. Justine realized that her life would not be an easy one, for MacKay's work required him to leave her very often, even at such important times as when she gave birth to their first child. During the Civil War, MacKay and his workers act as convoys for shipments of gold to the Union Army. His wife, whose brother has been killed in action with the Confederate Army, egged on by her mother, asks MacKay not to continue this work, but he refuses; she decides to leave him. In an encounter with a Confederate Army contingent, MacKay kills the leader. He examines his belongings and finds a note, in his own wife's handwriting, giving information about the gold and the route the express was to take to make delivery. MacKay, thinking that his wife had betrayed him, and

not realizing that Mrs. Pryor had sent the note after Justine had first written it in the heat of anger and then thrown it away, is heartbroken. He refuses to answer the many letters she sends him. Years pass, and with them come success for MacKay, for, through his courage, the Wells-Fargo company had made great strides. His grown daughter, hearing of his presence in their town, calls to see him and pleads with him to attend her birthday party the following evening. He does so, and is reconciled with

Justine. It is then that the truth about the note comes out. Stuart U. Lake wrote the story, and Paul Schofield, Gerald Geraghty, and Frederick Jackson, the screen play; Frank Lloyd directed and produced it, with Howard Estabrook as associate producer. In the cast are Mary Nash, Ralph Morgan, John Clark, and others.

Suitable for all. Class A.

#### "Under Suspicion" with Jack Holt

(Columbia, Dec. 16; time, 63 min.) This murder mystery melodrama is fair program entertainment. It holds one's attention fairly well to the end, because it is not until then that the murderer's identity is divulged. Jack Holt is effective in the leading part, winning one's sympathy by his efforts to carry out his philanthropic plans to turn over his business to his workers, in spite of the attempts of different persons to stop him from doing this. One is held in suspense because of the danger to Holt's life. A number of persons come under suspicion—business associates, investors, and even Holt's nephew. The closing scenes at Holt's mountain lodge, to which he had invited all the suspects, are fairly exciting. Two men are murdered. With the help of Purnell Pratt, a private detective, Holt works out a plan whereby the murderer would be trapped. The plan works, and Holt proves that the murderer was his own lawyer (Craig Reynolds), who wanted to kill Holt before he could turn the business over to his employees; in that way he could manipulate things so that he would come into possession of the business. The other suspects are happy to be cleared. Holt's business antagonists are finally convinced that his plans were the best. Holt is sorry that he had

to Rosalind Keith, and had needed the money. Philip Wylie wrote the story, and Joseph Hoffman and Jefferson Parker the screen play; Lewis D. Collins directed it, and Larry Darmour produced it. In the cast are Morgan Wallace, Katherne DeMille, and others.

suspected his nephew, who had asked him for a large sum

of money; he finds out that he had been secretly married

Unsuitable for children. Class B.

#### "I'll Take Romance" with Grace Moore, Melvyn Douglas and Stuart Erwin

(Columbia, Dec. 1; time, 85 min.)
Hampered by a silly plot, this is Miss Moore's poorest picture to date. The story is completely lacking in mass appeal because of the slow action and of the choice of music assigned to Miss Moore. Although she sings in her customary excellent style, the songs and operatic arias that she sings are not of the spectacular type to thrill audiences. The development of the plot is childishly simple; the dullness is relieved by the occasional comedy spurts provoked by Stuart Erwin. Even the romance lacks appeal:-

Melvyn Douglas, accompanied by Stuart Erwin, arrives in New York in order to try to persuade Miss Moore, an opera star, to live up to her contract to sing at his opera house in South America. Miss Moore's meddlesome aunt (Helen Westley) had insisted that she cancel the South American contract in order to go to Paris where she would be paid more money for her appearances. Through a ruse, Douglas contrives to meet Miss Moore and, although he informs her that he is from South America, he does not say what his mission in New York was, or that he was connected with the opera company. She falls in love with him. Overhearing him tell Erwin that he was going to kidnap her, she thinks he was doing this because he loved her. She permits herself to be "kidnapped," and once aboard the boat confesses to Douglas that she knew what he was doing; he feels ashamed of himself for he, too, had fallen in love with her. When she finds out what Douglas' purpose had been, she is enraged and refuses to believe his declarations of love. She carries out her contract by singing at the opera. Erwin convinces her of Douglas' love for her; and so the lovers are reconciled.

S. T. Avery wrote the story, and George Oppenheimer and Jane Murfin, the screen play; Edward H. Griffith directed it, and Everett Riskin produced it. In the cast are Margaret Hamilton, Ferdinand Gottschalk, and others.

Suitability, Class A.

#### "Charlie Chan at Monte Carlo" with Warner Oland

(20th Century-Fox, Jan. 28; time, 71 min.) In this version of the "Chan" series, comedy is stressed a little more than usual, with the result that it occasionally slows up the action. The followers of these pictures should, however, find it to their liking, for Chan (played by Warner Oland as skillfully as ever) goes about solving the murder mystery in his usual quiet manner, obtaining results; and, since the murderer is not identified until the end, one's interest is held pretty well throughout. Keye Luke, the number-one son, provokes hearty laughter by his misuse of French words, thus getting himself and his father into trouble. The background is Monte Carlo:

Oland and Luke, guests of Harold Huber, prefect of police at Monte Carlo, bid him farewell, for they were going to Paris. Huber sees them to a taxicab, and warns the driver to get them safely to their destination. But the cab breaks down, compelling Oland and his son to walk. They notice a man and a woman driving away from what looked to them like an accident. By investigating, they find a dead man in a car from which the couple had rushed away Oland is certain that the man had been murdered. Oland delays his trip to Paris to help Huber solve the mystery. The victim had been a bank messenger carrying a million dollars worth of bonds belonging to millionaire Sidney Blackmer. During the investigation, two more persons are killed; they, too, had been involved in the same matter. Oland, by clever deduction, finally solves the case; he proves that the guilty man was Robert Kent, Blackmer's brother-in-law, who wanted the money in order to lavish expensive gifts on Virginia Field—a woman who, as he had later found out, had not been worthy of his sacrifice. In

attempting to escape from the police, Kent is killed.
Robert Ellis and Helen Logan wrote the story, and Charles Belden and Jerry Cady, the screen play; Eugene Forde directed it, and John Stone produced it. In the cast are Kay Linaker, Edward Raquello, and others.

Unsuitable for children. Adult farc. Class B.

#### "You're Only Young Once" with Lewis Stone, Fay Holden, Mickey Rooney, and Cecilia Parker

(MGM, Dec. 17; time, 761/2 min.)

Good program entertainment for the family. It is a follow-up to "A Family Affair," with Mickey Rooney and Cecilia Parker enacting the same parts they played in the first picture. Lewis Stone and Fay Holden replace Lionel Barrymore and Spring Byington as the father and mother. Comedy is provoked and human interest awakened by the natural, realistic way in which the story is developed. Most of the laughter is provoked by Mickey Rooney's adolescent approach to love, in his affair with Eleanor Lynn, a sophisticated sixteen year old girl, who had no moral restraint. The methods employed by Stone to put a stop to the affair without hurting Mickey's feelings and without preaching to him should serve as a good lesson both to parents and to children:-

Stone and his family, consisting of his wife, sister-in-law (Sara Haden), son, and daughter, go to Catalina Island for a vacation, with Stone looking forward to swordfishing, Mickey and Cecilia lose no time in choosing their companions—Mickey picks Eleanor, a spoiled rich girl whose mother had been spending most of her time in Reno divorcing husbands; and Cecilia picks Ted Parson, a handsome life guard, who informs her that he was married but that he would obtain a divorce and marry her. When Stone finds out about his children's affairs, he becomes worried. By tactful remarks, he gradually wins Mickey away from Eleanor; he then shames Pearson into confessing that he had no intention of divorcing his wife and had just considered Cecilia another summer romance. They go back home, all wiser for their experiences. Stone, through a ruse, outwits a crook who had been trying to ruin both him and Frank Craven, a neighbor.

Kay Van Riper wrote the screen play, and George B. Scitz directed it. In the cast are Ann Rutherford, and others. Suitability, Class A.

#### "You're a Sweetheart" with Alice Faye, George Murphy and Ken Murray

(Universal, Dec. 26; time, 94 min.) This is one of Universal's most pretentious offerings, and should have very good results at the box-office. It has plentiful comedy, tuncful melodies, and romance. Alice Faye sings effectively, and teams up well with George Murphy both in dance and song numbers. The picture offers a variety of entertainment by way of amusing novelty acts, and each one of these acts is presented in a logical manner, as part of a show. The music and dance routines are good, and the settings lavish; the picture looks as if a good deal

of money went into its production:-

Miss Faye, star of producer Ken Murray's musical comedy, objects to the publicity stunts hatched up by William Gargan, the publicity agent; Murray promises not to involve Miss Faye further in anything objectionable. When Murray learns that the Milk Fund Benefit Show was to open on the same night as his play, he is frantic, and, since he could not postpone the opening, demands that Gargan think of something to attract attention to his show. Gargan refuses to bother, and so Murray discharges him. George Murphy, a waiter, having overheard the conversation, suggests that Murray have some one pose as a millionaire who had fallen in love with Miss Faye and who had bought out the entire house for an entire week; in this way they would excite interest in the show. Murray is so taken with the idea that he engages Murphy to pose as the millionaire, the understanding being that Miss Faye was not to know that it was just a publicity stunt. She and Murphy fall in love with each other. Feeling that Miss Faye would hate him if she knew the truth, Murphy goes away and leaves Murray to tell her about him. Murray, being in love with Miss Faye himself, tries to convince her that he, too, had been fooled; but this does not affect her love for Murphy. Before the story could break in the papers, she forges Murphy's name to a contract in which he would endorse a certain brand of clothing; for this she receives \$15,000, which she invests in Murray's show for a halfinterest for Murphy. Complications naturally follow when the man who had paid the \$15,000 learns that Murphy was a fraud. Murphy shows up and straightens matters out by getting financial support from others and by returning the money to the clothing sponsor. He and Miss Faye are happily reconciled.

Maxwell Shane, Bill Thomas, and Warren Wilson wrote the story, and Monte Brice and Charles Grayson, the screen play; David Butler directed it, and B. G. DeSylva produced it. In the cast are Oswald, Charles Winninger, Andy Devine, Frank Jenks, and others.

Suitable for all. Class A.

"Daughter of Shanghai" with Anna May Wong

(Paramount, Dec. 17; time, 61½ min.)
This wild melodrama centering around the alien smug-

gling racket is reminiscent of the old-fashioned pictures of this type. But as entertainment for followers of lurid melodramas it should go over, because it stresses the activities of murderous criminals. Audiences that expect a plot to unfold in a logical manner will be annoyed, for the various methods that the heroine uses to escape from the hands of the villains are so far-fetched that at times they are laughable. Miss Wong makes an appealing heroine; and, despite the lack of plausibility, one's attention is held because of the constant danger to her. Her romance with

Chinese G-Man is mildly pleasant:-

When Miss Wong's father, a dealer in oriental antiques, is killed by gangsters because he knew too much about their activities in the alien smuggling racket, she is determined to uncover their identity. Her investigations take her to an island off the coast of South America, where she obtains employment as a dancer in a dive owned by Charles Bickford, the island boss, who, too, was in the smuggling business. She is happy when Philip Ahn, a Chinese G-Man disguised as a sailor, arrives, for she had realized that she was in danger. Ahn, who had been caught by Bickford going through his desk, is saved from death when a disgruntled alien from whom Bickford had stolen all his savings kills him. Ahn helps Miss Wong to get on the boat used for the sinuggling of the aliens and on which he was a sailor. But their identity is discovered and they are taken off and put in a plane piloted by the gangsters. They miraculously escape death when the gangsters attempt to dump them into the ocean. After many thrilling encounters with the gang, Ahn finally gets help and rounds up the gang. Miss Wong is shocked to learn that the leader was none other than one of her father's best customers (Cccil Cunningham). Ahn shyly proposes marriage to Miss Wong, and she accepts.

Garnett Weston wrote the story, and Gladys Unger and Garnett Weston, the screen play; Robert Florey directed it. In the cast are Larry Crabbe, J. Carrol Naish, Anthony

Quinn, and others.

Unsuitable for children or adolescents. Adult fare. Class B.

Excellent-Good, 1; Good-Fair, 2; Fair, 4; Fair-Poor, 3; Poor, 2.

The first 12 of the 1936-37 season were rated as follows:

Very Good-Good, 1; Good, 1; Good-Fair, 3; Fair, 3; Fair-Poor, 3; Poor, 1.

About a stand off.

#### 1936-37 Season

"Breakfast for Two," with Barbara Stanwyck, Herbert Marshall, Glenda Farrell, and Eric Blore, produced by Edward Kaufman and directed by Al Santell, from a screen play by Charles Kaufman: Good-Fair.

"Damsel in Distress," with Fred Astaire, Gracie Allen, George Burns, and Joan Fontaine, produced by Pandro S. Berman and directed by George Stevens, from a screen play by P. G. Wodehouse, Ernest Pagano, and S. K. Lauren: Good.

The number of pictures reported in previous check-ups is 43. The number is now 45, rated as follows:

Very Good-Good, 2; Good, 4; Good-Fair, 11; Fair, 12; Fair-Poor, 12; Poor, 4.

The 45 pictures of the 1935-36 season were rated as follows:

Excellent, 3; Excellent-Very Good, 1; Good, 5; Good-Fair, 3; Fair, 12; Fair-Poor, 7; Poor, 14.

The box office performances of the 1935-36 season's pictures were far better than those of the 1936-37 season.

# THE STATUS OF THE SELZNICK PICTURES

When David Selznick made a deal with United Artists to distribute his pictures, he did not know exactly what stories he was going to produce, except "Little Lord Fauntleroy." All he had decided upon to release through United Artists was five pictures. Consequently he gave instructions to the distributing company to sell his five pictures as follows:

"Little Lord Fauntleroy"; Selznick No. 2; Selznick No. 3; Selznick No. 4; and Selznick No. 5.

It was the producer's intention to fill in the names of the pictures in accordance with the order of their release.

Recently United Artists sent to holders of contracts for the Selznick pictures registered letters informing them that, in accordance with the terms of their contracts, they are not to receive certain of the Selznick pictures, and I have been asked to inform them whether they are or they are not entitled to those pictures.

Before discussing the question, let me give the names of the Selznick pictures in the order of their release, and the date of release of each one of them:

Monda	6 1	1036
No. 1: "Little Lord Fauntleroy" March	0, 1	1930
No. 2: "Garden of Allah" Nov.	20, 1	1936
No. 3: "A Star is Born" April	30, 1	1937
No. 4: "Prisoner of Zenda" Sept.	3, 1	1937
No. 5: "Nothing Sacred" Nov.	26,	1937

The 1935-36 season's contract contains the following provisions in the Sixth clause, paragraph (2):

"Upon delivery by the producer, the Distributor shall make the motion picture covered herein available to the Exhibitor for exhibition within the twelve month period immediately following the August 1 next succeeding the date of the acceptance of the application by the Distributor, and provided the Exhibitor is not in default hereunder the Distributor shall mail to the Exhibitor a notice in writing of the date when such motion picture will be available for exhibition by the Exhibitor, such date being hereinafter referred to as the available date. Such notice shall be mailed to the Exhibitor at least fifteen days before the available date therein specified."

This provision means that any exhibitor whose 1935-36 contract was approved on any date after August 2, 1935, and prior to August 1, 1936, shall be entitled to receive all the Selznick pictures that have been released up to July 31, 1937. In other words, he is entitled to receive only "Little

Lord Fauntleroy," "Garden of Allah," and "A Star is Born."

An exhibitor whose contract was approved in January, 1936, has informed me that his contract contains the following provision:

"This contract contemplates the general release of the said picture within the eighteen (18) months next succeeding the date of the execution of this contract. Should the producer not deliver the picture to the distributor, therefore, so that the distributor can generally release it by that date, this contract of license shall be mutually cancelled on that date."

By this provision, this exhibitor is entitled to all the Selznick pictures that have been released up to July, 1937; and since there were released only three pictures such exhibitor is entitled only to the first three.

It must be understood that, since the document the exhibitor signs is merely an application for a contract, and since it becomes a contract only when it has been approved by the home office of the distributor, the phrase, "the date of the execution of this contract," means the date on which the application was approved by the home office.

If there is any exhibitor who has a similar contract, and it was approved between March 4, 1936 and May 26, 1936, he is entitled to receive also "A Star is Born"; if it was approved on or after May 27, 1936, he is entitled to receive all five.

The 1936-37 season's United Artists contract specifies that the exhibitor is entitled to receive the pictures twenty months after the execution of the contract, or, the date on which the contract had been approved. Accordingly, if any such exhibitor's 1936-37 contract had been approved on or after March 27, 1936, he is entitled to receive all five Selznick pictures, because the twenty months of the provision carries him beyond November 26, 1937, the day on which the fifth Selznick picture was released.

#### THE WARNER BROADCAST

On Wednesday night, December 8, from ten to eleven o'clock eastern standard time, Warner Brothers started the first of its series of Wednesday night broadcasts.

The well-known players who appeared on the program were probably lure enough to keep picture-goers in "the comforts of their home."

Judging the program solely on its merits, and from an intelligent person's viewpoint, it lacked novelty and speed, and turned out to be just another broadcast. That does not mean to say, however, that the masses did not "go for it."

Here is a resume of the broadcast:

Dick Powell acted as master of ceremonies. He sang, accompanied by the Leo Forbstein orchestra and chorus. He then introduced Rufe Davis, who did his imitations that are by this time no novelty to those who listen in. Next on the program was Gary Cooper, in some sort of a recitation, assisted by some young lady whose name was not given. When he finished, he offered a short blurb about the marvels of the Lucky Strike cigarettes, which he has been smoking for years. Rosemary Lane, who appeared in "Varsity Show," was next on the program; she sang. And then Bette Davis, Olivia deHavilland, Basil Rathbone, Patric Knowles, and Eric Stanley did a condensed version of "It's Love I'm After." The version that they offered was so mediocre that in no way could it give one an idea as to the entertainment the picture itself offered.

The second program on the following Wednesday offered the following:

Dick Powell, Rosemary Lane, Rufe Davis, Leo Forbstein and his orchestra, who are all permanent features of the Warner Brothers broadcasts; also Henry Fonda, in a one-act skit, Dorothy Wayne, a thirteen year old violinist who was accompanied by an eleven year old pianist, and then Pat O'Brien, Jane Bryan, and Wayne Morris in a condensed version of "Submarine D-1," which in no way resembled the picture.

And so the competition continues, to the detriment of the exhibitors' business, of the picture companies themselves, and even of most of the performers, who sound like amateurs at the microphone.

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